

JORDAN'S PRINCIPLE: LONG-TERM OPTIONS

FNHMA 7TH ANNUAL CONFERENCE

TORONTO, ONTARIO NOVEMBER 14-16, 2017

"WORKSHOP P", NOVEMBER 16 2:00-3:30



Government
of Canada

WORKSHOP OUTLINE

Part I: Engagement

- History of Jordan's Principle
- Provide information on the engagement process, including timelines and commitment
- Sketch initial thinking to seek feedback from the group

Part II: Sharing promising practices

- Pinaymootang First Nation, Manitoba sharing example of Jordan's Principle implementation

Part III: Questions & Answers / Group Discussion

BACKGROUND

- Established in honour of five-year-old Jordan River Anderson from Norway House, Manitoba who died in hospital in 2005 while federal and provincial governments argued over who should pay for his at-home care.
- Jordan's Principle originated as a child-first principle to ensure that First Nations children did not experience denials, delays, or disruptions of services ordinarily available to other children due to jurisdictional disputes.
- Private Members Motion 296 passed unanimously in the House of Commons on December 12, 2007 in support of Jordan's Principle.

CANADIAN HUMAN RIGHTS TRIBUNAL RULING

- On January 26, 2016, the Canadian Human Rights Tribunal (CHRT) substantiated a 2007 complaint by the First Nations Child and Family Caring Society of Canada and the Assembly of First Nations.
- The CHRT ordered the federal government to cease applying a narrow definition of Jordan's Principle and to take measures to immediately implement the full meaning and scope of the principle.
- Subsequent orders from the CHRT have ensued resulting in a new application of Jordan's Principle.

WHAT IS JORDAN'S PRINCIPLE?

- Jordan's Principle **applies to all First Nations children**, regardless of where they live
- Jordan's Principle **ensures there are no gaps** in government service for First Nations children
- Jordan's Principle recognizes that First Nations children may need government services that exceed the "normative standard" to **ensure substantive equality** in the provision of services to the child, to **ensure culturally appropriate services** to the child and/or to **safeguard the best interests** of the child.

INTERIM APPROACH

In response to CHRT rulings, in July 2016, the Government of Canada initiated four streams of activity under an interim approach:

- Service coordination
 - Service access resolution fund
 - Data
 - Engagement
-
- Total investment \$382.5 million over three years
 - While **Jordan's Principle is a legal principle that extends beyond any program or initiative**, authorities for current initiative expire March 31, 2019.

2016-2019

Child-First Initiative

- Implementation of interim approach
- Meeting immediate needs of FN children
- Communication about Jordan's Principle

Engagement

- Co-development of options with FN for a seamless transfer from April 1, 2019
- Working with Provinces and Territories

ENGAGEMENT

- Commitment to a national engagement process that yields a sustainable, long-term approach to ensure First Nations children have access to the services and supports they need
- Health Canada (HC), Indigenous and Northern Affairs Canada (INAC) and the Assembly of First Nations working together through the Jordan's Principle Action Table
- Leveraging existing opportunities, like this one, to initiate discussions about long-term policy options
- Seeking opportunities to continue the discussion through to spring 2018 to test and validate final options

JORDAN'S PRINCIPLE ACTION TABLE

Purpose:

- Propose policy options for federal program authorities, service delivery models, funding, etc. to fully implement Jordan's Principle across all federal departments.
- Work with First Nations partners to engage provincial/territorial governments to support implementation of Jordan's Principle within provincial/territorial systems.

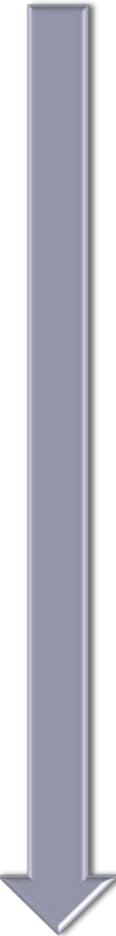
Objectives:

- Collaborate on development of long-term policy and/or program options
- Share data, evidence, evaluation and research findings
- Share progress and performance of the Child-First Initiative

MEMBERSHIP

- **Chaired by Jonathan Thompson, Director of Social Development, Assembly of First Nations**
- **Membership includes:**
 - INAC and HC national offices (Laura Mitchell and Katherine Cole)
 - AFN Elders Council (Elmer Courchesne)
 - AFN Youth Council (tbc)
 - AFN's National First Nations Health Technicians Network (Sally Johnson, UNSI, Health Director)
 - CFS Agencies (Darin Keewatin, Treaty 8 First Nations of Alberta)
 - National Indian Education Council (Bob Atwin, First Nations Education Initiative Incorporated)
- **Special guests**

TIMELINES



Fall 2017 – Identify potential policy/program gaps and test through engagement. Engagement: long-term policy options discussion

Winter 2018 – Initiate costing of potential policy options; Engagement: validating, testing options

Spring 2018 – Finalize options and costing. Communicate final options

Summer 2018 – Initiate joint development of storyline with AFN, validating with Action Table. Co-writing GoC decision-making documents with AFN

Fall 2018 – Transition storyline into Cabinet submission. Fall Cabinet date.

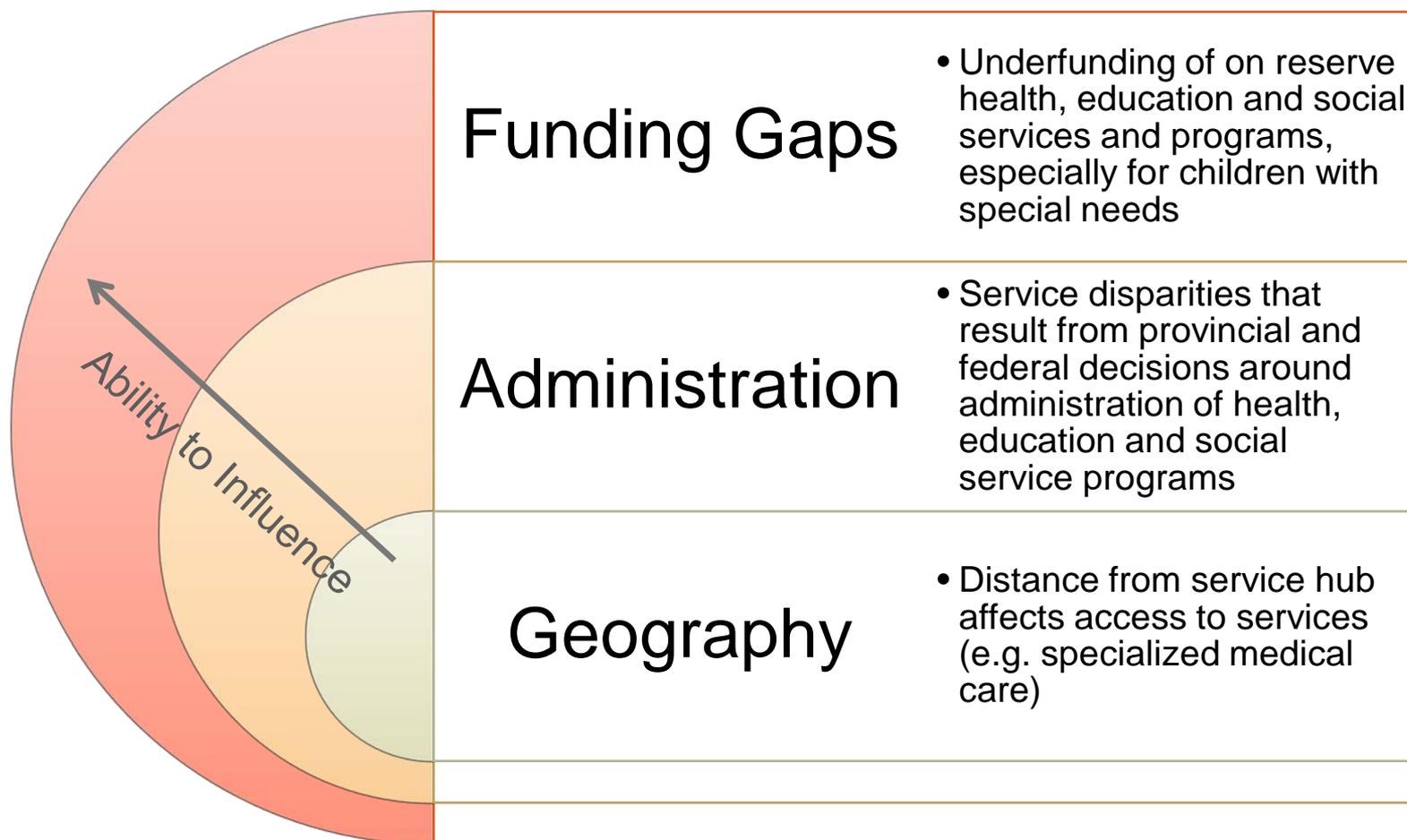
Winter 2019 – Treasury Board submission

April 1, 2019 – Implementation of new approach (potentially phased in or ramped up over 5 years), ongoing partner collaboration and monitoring

SERVICE NEEDS

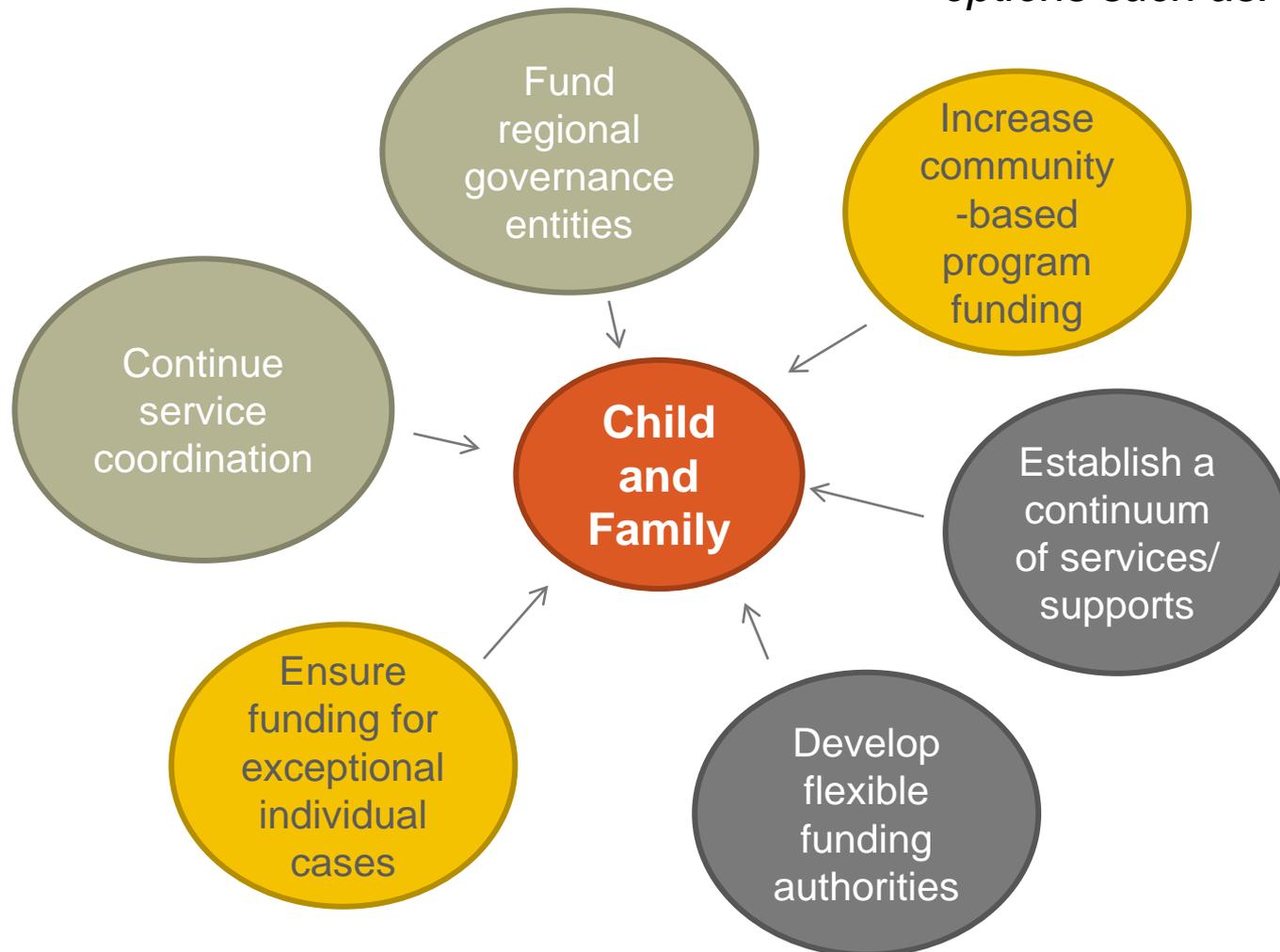
- **Based on preliminary research and cases:**
 - Assessments (Autism, FASD, ADD/ADHD)
 - Early intervention services (0-5) (Physiotherapy, Occupational Therapy, Speech/Language Therapy)
 - Medical services on reserve
 - Respite for families of children with complex needs
 - Family supports (e.g. case management, service coordination/navigation)
 - 18+ aging out of existing programs or transitioning into adult ones
 - Mental health supports (e.g. counsellor, therapist)
 - Housing modifications/retrofitting
 - Program space including office, consultation room
 - Educational Assistants in schools

CONTRIBUTING FACTORS



POTENTIAL OPTIONS

Future of Jordan's Principle will likely be a combination of options such as:



WHAT WE WANT TO KNOW

- What is the **MOST essential thing** you want us to understand about Jordan's Principle for now and/or the future?
- What **costs** are currently getting covered by interim initiative that would not otherwise be paid for?
- Are we on the right track?
- Does this list of service needs resonate with your community? Are we missing any needs?
- Do these potential options resonate with you? Are we missing anything?

CONTACT US

For comments or suggestions on engagement:

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