

# The Implementation of Jordan's Principle in Manitoba: Lessons & Recommendations



# Jordan's Principle

- ▶ Named in honor of Jordan River Anderson, from Norway House Cree Nation in Manitoba
- ▶ Legal principle requires the government of Canada to:
  - ▶ Address gaps in services for First Nation children
  - ▶ Ensure timely services that meet the needs of First Nation children
  - ▶ Meet a standard of "substantive equality"
  - ▶ Ensure services do not compound historical disadvantage
- ▶ Starting in 2016, a series of Canadian Human Rights Tribunal (CHRT) rulings expanded the interpretation of Jordan's Principle.
  - ▶ Broadly defined eligibility
  - ▶ Required the federal government to fund services/equipment extending beyond provincial standards
  - ▶ Imposed strict timelines for responding to requests for funding/services.
  - ▶ Required the federal government to revise its approach and radically expand funding



# The study

- ▶ Describe the structure of services
- ▶ Describe the impact of Jordan's Principle on the structure of services
- ▶ Describe Jordan's Principle projects in a sample of First Nations
- ▶ Describe success & challenges
- ▶ Understand the links between Jordan's Principle and other resources/services
- ▶ Understand service providers' perspectives on how to move forward
- ▶ *Data collection done during COVID-19, and enormous pressures on families, Nations, and service providers*

Methods of Data Collection	Sources of Data
Document review	Publicly available policy documents, presentations, reports and research summaries
	Internal documents provided by the AMC
	Prior research
Individual/ group interviews and focus groups	Interviews/consultations with Nation and regional level service coordinators, case managers, administrators and policy specialists (N=35)
	Five focus groups and three interviews with 24 front line service providers
Participant observation	Technical Advisory Group (TAG) meetings for case managers and other key stakeholders
Administrative data	National and regional level data
Survey data	Case Manager, Health Director, and Education Director perspectives on access to services
Case Studies	Details of Jordan's Principle services and implementation processes in two First Nations

- Partnership with Assembly of Manitoba Chiefs (AMC)
- CHRT ordered funding: to support consideration of systemic remedies in *Sumner-Pruden v. Canada*
- Interdisciplinary research team
- Advisory Committee
  - Case managers across Tribal Councils and language groups
  - Ongoing meetings to discuss interpretation & framing of findings
- Regular presentations to the Technical Advisory Group
- Verification of contextualized quotations
- Data collected in 2021, some updates included here

# Complex Jordan's Principles services layered over the existing patchwork of services

## Jordan's Principle in Manitoba

- ▶ Specialized Service providers (SSPs)– centralized services extended across First Nations
- ▶ Nation level services – proposed by each Nation, with some funding opportunities systematically extended
  - ▶ Case manager – key Nation-level position
- ▶ Off reserve service coordination and case management – Tribal Councils & Eagle Urban Transition Centre
- ▶ Regional supports - AMC, MKO, SCO
- ▶ Additional projects/services

## The pre-existing patchwork of services

- ▶ Responsibility for First Nation children divided across
  - ▶ Federal, provincial, and First Nation governments
  - ▶ Multiple service systems: Education, Health, Child & Family Services, Services for children with (dis)Abilities
- ▶ Persistent, well documented gaps and inequities in services and funding
- ▶ Jurisdictional disputes, delays, denials, complications in navigating services
- ▶ Jordan's Principle addresses gaps without altering the underlying structure or known gaps/inequities



# A First Nations vision undermined by a colonial approach

## A First Nations vision

- ▶ Systemic approach
  - ▶ Extension of services across all Nations
  - ▶ 99% of services through group requests (2019-20)
- ▶ First Nations led
  - ▶ First Nations decision making on many individual requests
  - ▶ Nations define their own approaches
- ▶ Local, holistic services
  - ▶ Breaking down of siloes
- ▶ Capacity building
  - ▶ MFNERC, SSP training programs

## A colonial approach

- ▶ Individualized (case-specific) approach
  - ▶ 1 region: 67% of services through individual requests (2019-20)
- ▶ Discretionary decision making
  - ▶ Pronounced differences in patterns across regions
  - ▶ 'Appeals' of decisions to ISC
  - ▶ Reinforced through Back to Basics
- ▶ Demand driven, time-limited funding
  - ▶ Initiation as an initiative
  - ▶ Systematic extension of opportunities discouraged
- ▶ Failures to support capacity building & regional coordination
- ▶ Exclusion of First Nations from decision making

# Gaps in the structure of services

- ▶ Youth over age 18
  - ▶ Unilateral change in eligibility age – from 21 to 18
  - ▶ Limited services to support transition to adulthood
  - ▶ Limited services for adults with disabilities
  - ▶ CHRT extension of CFS services to age 26
- ▶ Mental health services/supports
  - ▶ Lack of funds/support for prevention & support within Nations
  - ▶ Fuels a crisis-focused model
  - ▶ Small & remote Nations receive limited supports
- ▶ Off Reserve First Nation children
  - ▶ Limited development of services to address gaps & needs off reserve

Required:  
Remedying the  
known gaps in  
pre-existing  
services and  
programs &

Required:  
Provincial  
engagement

# Gaps in the structure of services

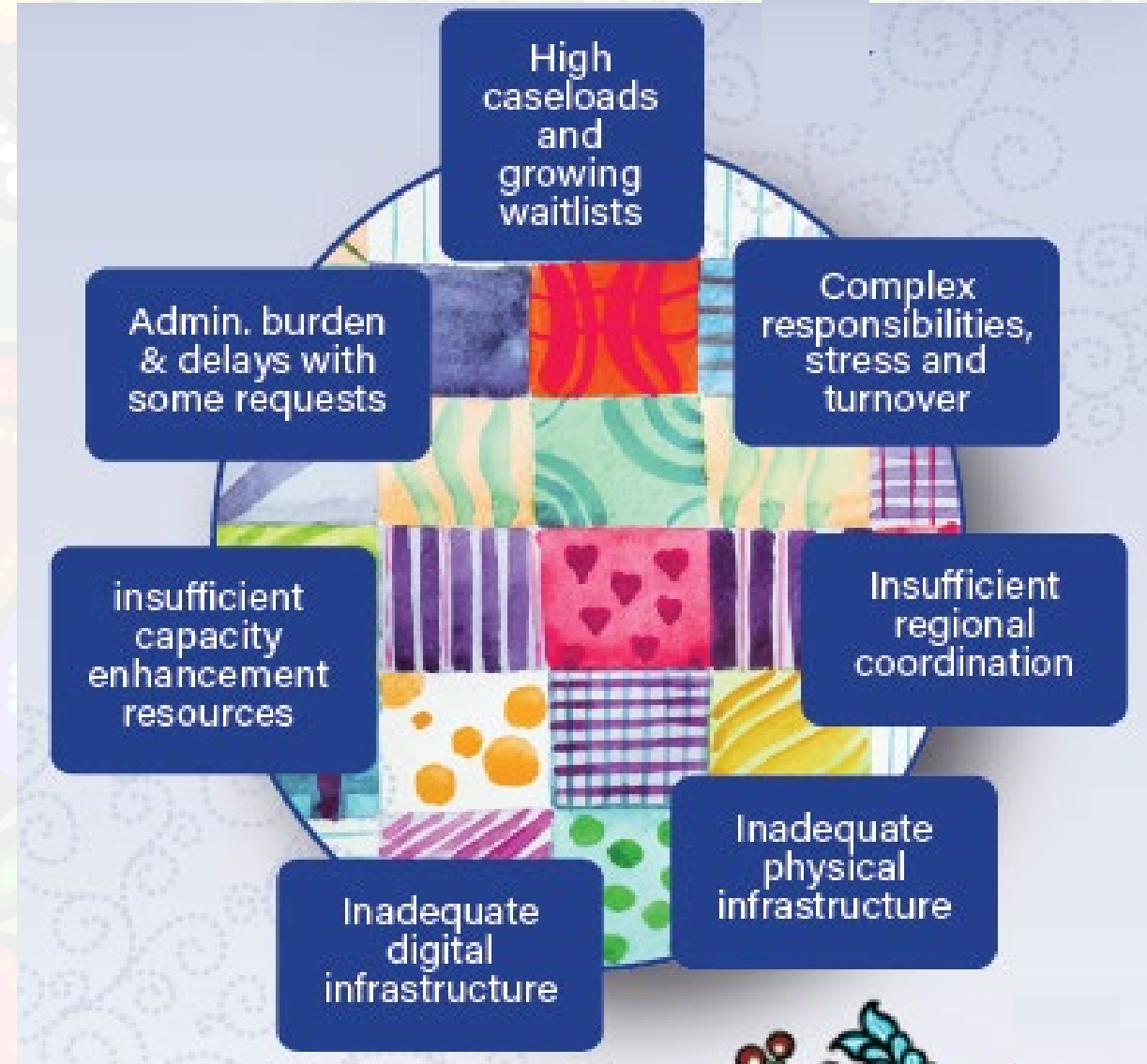
- ▶ Housing
  - ▶ Severe housing shortage & overcrowding
  - ▶ Adaptations required to meet children's needs
  - ▶ Lengthy & burdensome administrative processes
  - ▶ Limited to children with housing need tied to (dis)Ability
- ▶ Northern and remote Nations
  - ▶ Inadequate resources to address true costs of services & supplies
  - ▶ Limited SSP time in small, remote Nations
  - ▶ Urgent need for capacity enhancement to develop services within Nations

Required:  
remedying the  
known gaps in  
pre-existing  
services &  
programs



# A relational approach undermined by structural factors

- ▶ Physical, socio-emotional, cultural, and spiritual dimensions
- ▶ Attention to broader historical, socio-cultural and economic contextual factors
- ▶ Strengths based approach focused on well-being
- ▶ Time (re)building trusting relationships with families, Elders, Knowledge Keepers and Nations' leadership
- ▶ Information, supports and services that are grounded in and responsive to:
  - ▶ Local knowledges and values
  - ▶ Families' self-identified priorities and lived realities



# Recommendations: Infrastructure

- ▶ Clean water and adequate housing for every First Nations child
  - ▶ Requires infrastructure development & interim supports when infrastructure fails
  - ▶ Not just those whose housing need is tied to (dis)Ability
  - ▶ Revision of existing policies, programs and funding models
- ▶ Digital infrastructure to support services in every First Nation
  - ▶ To complement (not replace) in-person services
  - ▶ High speed, low cost internet/phone service in all households, telehealth for all Nations
- ▶ Physical space for Jordan's Principle services
  - ▶ Funding for capital expenditures authorized by CHRT
  - ▶ Planning resources so that Nations can address the full needs of the Nation
  - ▶ Technical supports to design space that meets the range of needs

# Recommendations: Structure of funding

- ▶ Long-term flexible funding to meet First Nation priorities and member needs
  - ▶ Structured to support innovation, evolution, and expansion over time
- ▶ Funding that covers the true cost of services in remote and northern Nations
  - ▶ Policies that address ongoing inequities in services & infrastructure
- ▶ Funding that ensures an equitable baseline of services in each First Nation
  - ▶ Must be defined by First Nations
  - ▶ In keeping with UN Declarations on the Rights of the Child and Indigenous Peoples
- ▶ Flexible SSP funding that supports First Nations in taking on service responsibilities at a self determined pace & sequence
  - ▶ Choice to contract for different items in the basket of services
  - ▶ Funding that covers loss of economies of scale and increased coordination



# Recommendations: Communication & Coordination

- ▶ Formal, First Nations led coordination structures
  - ▶ To support sharing of wise practices, policy development, advocacy
  - ▶ Key to moving away from a colonial framework
- ▶ Clear and consistent structures engaging First Nations in decision making at every level
  - ▶ Policy changes clearly communicated in a timely and effective fashion
  - ▶ Regular sharing of data about the range & nature of Jordan's Principle services funded
    - ▶ Anonymized, but broken down by Nation size, remoteness, and other key factors
- ▶ Communities of practice for case managers, service coordinators, and service providers
  - ▶ Space to share strategies and success, discuss challenges, connect to resources, and build relationships

# Recommendation: Eligibility

- ▶ Extend Jordan's Principle eligibility to age 26
  - ▶ CFS eligibility extended by CHRT
  - ▶ Any time services available through CFS that are not otherwise available, there is a perverse incentive to take First Nations children into state care

# Recommendations: Capacity enhancement

- ▶ Long term funding for capacity enhancement
  - ▶ Needed to support First Nations in moving to a self determined system of services
  - ▶ Training & education across a broad range of domains and specializations
    - ▶ E.g. Mental and allied health, but also construction crews with the specialized knowledge to adapt housing to meet children's needs
- ▶ Funding for a First Nations owned program of Jordan's Principle research
  - ▶ This symposium a part of building that program

# The Implementation of Jordan's Principle in Manitoba

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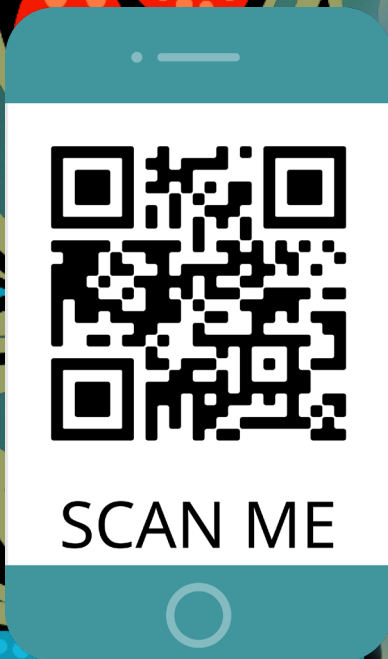
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Thanks to Marlyn Bennett for the artwork featured on these slides.





**Thank you!**

**Report available at:**

**<http://csprg.squarespace.com/jpmanitoba>**

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