

Canadian Association of Occupational Therapists  Association canadienne des ergothérapeutes

# Jordan's Principle and the Inuit Child First Initiative

Presented by:

**ISC** INDIGENOUS  
SERVICES  
CANADA

CAOT Professional Development  
News & Resources Webinar  
November 20, 2019



 Indigenous Services Canada Services aux Autochtones Canada 

## Overview

- Background and history of Jordan's Principle
- Canadian Human Rights Tribunal Rulings
- Current eligibility
- Regional profile of requests and funded services under Jordan's Principle
- Federal commitment to implementation
- Inuit Child First Initiative
- Request submission and supporting documentation
- Highlight interim and longer-term F/P/T and Indigenous engagement on the way forward

## Honouring Jordan River Anderson

- Jordan was born in 1999 with multiple disabilities and Jordan remained in hospital until he passed away at the age of five.
- When he was two years old, doctors said he could move to a special home for his medical needs. However, the federal and provincial governments could not agree on who should pay for his home-based care.
- Therefore, Jordan never had the opportunity to go to a home-like setting.
- In 2007, the House of Commons passed Jordan's Principle in memory of Jordan. It was a commitment that First Nations children would get the products, services and supports they need, when they need them. Payments would be worked out later.



## Canadian Human Rights Tribunal

- In 2007, the First Nations Child and Family Caring Society (Caring Society) and the Assembly of First Nations (AFN) submitted a complaint to the Canadian Human Rights Tribunal (CHRT) regarding the underfunding of First Nations child and family services by the Government of Canada and the narrow application of Jordan's Principle.
- In January 2016, the complaint by the Caring Society and the AFN was substantiated by the CHRT.
- The Government of Canada was ordered to:
  - Cease its discriminatory practices;
  - Reform the federal First Nations Child and Family Services Program
  - Cease applying its narrow definition of Jordan's Principle (limited to children with multiple health conditions involving several providers); and,
  - Take measures to immediately implement the full meaning and scope of the Principle.
- The Tribunal has issued subsequent orders regarding how Jordan's Principle should be defined and implemented (e.g. not limited to disputes among levels of government or short-term needs).



## Canadian Human Rights Tribunal

- Jordan's Principle is a legal principle designed to address gaps in government services and discrimination that can result in delay, disruption and/or denial of services to all First Nations children.
- In 2017, the CHRT ruled that when a government-funded service is not necessarily available to all other children or is beyond the normative standard of care, the government department of first contact will evaluate the individual needs of the child to:
  - Ensure substantive equality;
  - Ensure culturally appropriate services; and/or,
  - Safeguard the best interests of the child.
- On February 21, 2019, the CHRT issued an Interim Relief Order on the motion challenging Canada's definition of a First Nations child as it applies to Jordan's Principle. Canada awaits the CHRT final order.



## Understanding Substantive Equality

- Substantive equality is a legal principle that aims to achieve true equality. It recognizes that some children need additional supports to achieve the same outcomes as other children who have not been similarly disadvantaged.
- Evaluation of requests must take into account needs that stem from historical disadvantage and inequities and deficiencies in culturally informed services.
- Using the lens of substantive equality, Jordan's Principle seeks to address the inequalities that stem from an individual's particular circumstances, to help put them at the same position as others and to give them the same opportunities as others.
- Letters of recommendation from an Occupational Therapist should clearly indicate the diagnosis(es) or identified need, how the requested intervention will meet the needs of the child, and identify any circumstances of disadvantage that may be addressed through the intervention, if applicable.



## Guidance on Safeguarding the Best Interests of a First Nations Child

- Safeguarding the Best Interests of the First Nations Child considers the surrounding context to make sure that patterns of disadvantage are assessed and addressed in the development of processes, implementation of the initiative and evaluation of requests for products, supports and services.
- The term “best interests” broadly describes the well-being of a child, which can be determined by a variety of individual circumstances, such as age, health status, presence or absence of parents, the child’s environment and life experiences.



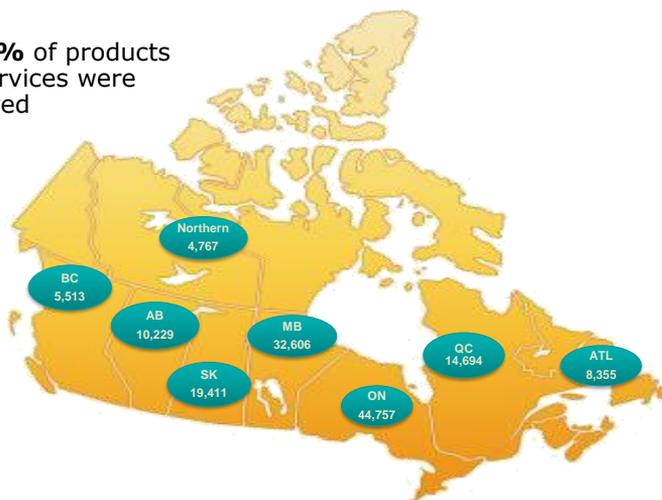
## Eligibility - Jordan's Principle

- Products, supports and services funded under Jordan's Principle are available to:
  - First Nations children registered under the *Indian Act*, living on or off reserve;
  - First Nations children entitled to be registered under the *Indian Act*, living on or off reserve;
  - Any Indigenous child who is ordinarily resident on reserve (including children without status);
  - First Nations children who are citizens of a Self-Governing First Nation living on or off their territorial lands; and,
  - First Nations children without *Indian Act* status or not eligible for *Indian Act* status who live off-reserve but are recognized as members by their Nation, who have urgent and/or life-threatening needs.
- For the purposes of Jordan's Principle, a “child” is defined as an individual who is under the Age of Majority within their province or territory.



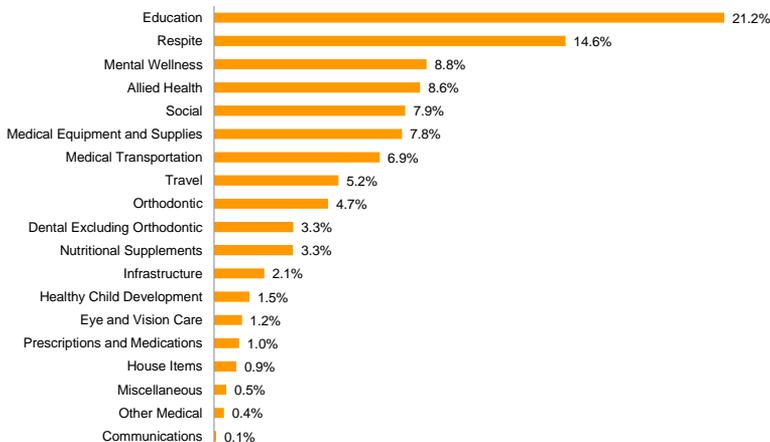
## Total Number of Approvals by Region for FY 2018-19

**91.02%** of products and services were approved

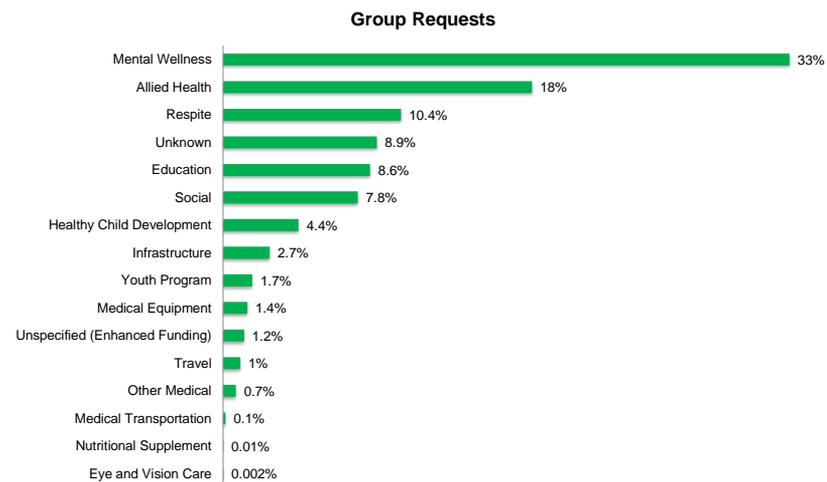


## Types of Products and Services Approved in FY 2018-19

### Individual Requests



## Types of Products and Services Approved in FY 2018-19



## **Promising Practices in Regional Implementation**

### **Alberta MOU**

- In November 2018, Alberta became the first province to commit to fully implement Jordan's Principle, signing a tripartite agreement between the federal and provincial governments and 11 First Nations from Treaties 6, 7 and 8.
- Under the agreement, the department first contacted will pay for the health, education or social service and seek reimbursement later.

### **Independent First Nations (IFN) of Ontario – Pilot Project**

- June 2018, IFN launched a joint pilot initiative to expedite the payment of services and work with existing or new providers and agencies to have them deliver the approved services, supports, or products. Results include:
  - Improved processes, decreased pressure points;
  - Improved collection of meaningful data and other information to inform policy and program reforms, which will enable the IFN to better respond to the needs of children over the long term;
  - Development of a model adaptable to other First Nations organizations or regions.

## Promising Practices in Regional Implementation

### Choose Life

- The Choose Life pilot project began in April 2017 in response to a suicide crisis in Northern Ontario First Nations communities.
- It was developed in partnership with Nishnawbe Aski Nation (NAN) to create a concrete simplified process for communities in NAN territory to apply for mental health supports for children and youth through Jordan's Principle funding.
- Choose Life provides immediate funding relief for youth at risk of suicide by fast-tracking proposals for group child and youth mental health prevention programs/services.

## Promising Practices in Regional Implementation

### Manitoba Jordan's Principle Circle of Care

- Funding has allowed for implementation of the Manitoba Jordan's Principle Circle of Care approach in 63 First Nations across the province.
- Community teams (case managers, respite staff, child development workers, special needs advocates, administrator) assess client needs, mobilize appropriate service providers, and develop/implement a multi-sector collaborative case plan to ensure the needs of the child/family are met.
- Additional supports beyond coordinated care include the provision of respite services, training, skill-building, family engagement, barrier reduction, service networking, and community education on disabilities and barriers that families encounter.
- A major contributor to the model is the Jordan's Principle Service Coordinators Collaborative. Service Coordinators from tribal councils/health authorities assist community teams in capacity building, service networking, knowledge transfer, barrier reduction, and initiative development.

## Federal Commitment to Implementation

### Jordan's Principle

- More than \$600 million committed for the first three years since the CHRT decision. Most recently, an additional \$1.2 billion over three years announced for Jordan's Principle.

### Ongoing commitment and collaboration

- Engagement with First Nations partners on a long-term vision (see Annex A).
- Legal protocol and Consultation Committee on Child Welfare to provide consultation on the Government's implementation.
- 24/7 Call Centre and ongoing outreach with First Nations, as well as health, social and education service providers on Jordan's Principle, including social marketing.
- Continue to uphold and report on the 12 to 48 hour compliance window mandated by the CHRT for decisions.

### Inuit – Child First Initiative

- In September 2018, Inuit Tapiriit Kanatami and the federal government announced the development of a new Inuit-specific Child First Initiative;
- Budget 2019 included an announcement of \$220 million over 5 years for Inuit.



## Inuit – Child First Initiative

- The Child First Initiative ensures Inuit children have access to the essential government funded health, social and educational products, services and supports they need, when they need them.
- As of September 2018, Indigenous Services Canada began receiving individual and group requests for Inuit children under the Child First Initiative on an interim basis.
- All Inuit children, no matter where they live in Canada, can request funding through the Child First Initiative. They must be:
  - Recognized by an Inuit land claim organization; and,
  - Under the age of majority in their province/territory of residence.
- The Government of Canada is working with Inuit partners, provinces and territories to develop a long-term Inuit-specific approach to help better address the unique health, social and education needs of Inuit children.



## How to Access Jordan's Principle or the Inuit Child First Initiative

- To request funding for a gap in service for a child under Jordan's Principle or the Inuit Child First Initiative contact:
  - National Call Centre: 1-855-JP-CHILD (1-855-572-4453), open 24 hours a day, 7 days a week;
  - Regional Focal Points: <https://www.canada.ca/en/indigenous-services-canada/services/jordans-principle.html>

## Supporting a Request for Products or Services

- As a professional providing a letter of recommendation, the following elements should be included:
  - Date;
  - Your role in the child's life/circle of care;
  - Professional licensing number/credentials;
  - Nature of relationship to the child, including the length of time working with the child;
  - Diagnosis(es) and/or identified need;
  - Direct recommendation of the requested intervention which indicates:
    - How provision of the request would directly address the child's health, social and/or educational identified need/diagnosis(es); and/or
    - The potential impacts on the child should the request not be provided.

## What Is Considered When Evaluating and Determining a Request

- Urgency or time sensitivity of request;
- Any immediate or foreseeable health or safety risks;
- The description of the product, service or support needed;
- How often the product, service or support will be required (i.e. one time, many times, on an ongoing basis);
- Estimated costs (if known);
- Supporting documentation for the request (e.g. prescriptions, referrals from a health, social or education professional); and,
- Any additional information that should be considered to support the request (e.g. , family context, information about home, community and education environment).

## Appealing a Denied Request

- If a request is denied, the requester may appeal the decision by sending a written request, including any additional documents or information (if applicable), to the Focal Point in their Region within one year of the date of denial.
- When a decision is appealed, the request to appeal is reviewed by a committee which will not include the official who reviewed and rendered the original decision to deny the request. The appeal decision will be provided to the requester in writing within 30 days of receipt of the written request.
- An appeal process may be initiated when an Individual Request or a Group Request has been partially or fully denied.
- Where a request is denied on appeal, the requester has the right to seek a judicial review of the decision by the Federal Court within 30 days of receiving the decision of the Appeals Committee.

## **Annex A: First Nation Engagement Undertaken to Date**

- Canada has made an ongoing commitment to an inclusive national engagement process that yields a sustainable, long-term approach to ensure First Nations children have access to the services and supports they need. Regional experience and knowledge have also guided this work.
- Continue to look for collaborative ways to integrate the spirit of Jordan's Principle in future continuum of care models.
- Since June 2017, the AFN and Canada have been supporting the co-development of long-term policy options for Jordan's Principle through the Jordan's Principle Action Table.
- More than 30 engagement sessions were held across the country with First Nations stakeholders to discuss long-term options.
- Policy options for 2019 and beyond were endorsed by Chiefs-in-Assembly through a resolution at the July 2018 AFN Annual General Assembly and were presented at the Jordan's Principle Summit in Winnipeg (September 2018).
- Continued efforts being made to further engagement and collaboration with provincial and territorial governments.

**Thank you**

**Merci**

**Miigwetch**

**Wela'lin**

In an effort to continue to improve our webinars, registrants will receive an email with a link to a feedback form. We'd greatly appreciate any feedback you can provide.

Registrants will receive a certificate of attendance by email with the feedback form, which may be completed with their name in order to attest their participation in this webinar and to keep for their records.

*\*Only those that have registered for this webinar should complete the certificate of attendance.*

Canadian Association of Occupational Therapists



Association canadienne des ergothérapeutes