

## Jordan's Principle: Considerations for a sustainable approach

*The Institute of Fiscal Studies and Democracy (IFSD) is pleased to provide an interim update on its work on Jordan's Principle.*

- 1) *This is a work in-progress. The content and findings are not yet finalized.*
- 2) *IFSD gratefully recognizes the ongoing contributions of the regional working group of Jordan's Principle administrators and technicians to this project.*
- 3) *The content of this interim update does not necessarily reflect the views of the Caring Society or of the regional working group.*

### Background

IFSD has been asked by the First Nations Child and Family Caring Society to undertake additional research on Jordan's Principle pursuant to the Canadian Human Rights Tribunal's (CHRT) orders (2022 CHRT 8).

The project will make recommendations for consideration to develop and implement structural solutions to achieving substantive equality for First Nations children, youth, and families. This work builds on findings from IFSD's September 2022 report, [\*Data assessment and framing of analysis of substantive equality through the application of Jordan's Principle\*](#).

Jordan's Principle is named in honour of Jordan River Anderson who died in a Winnipeg hospital, never having been in his family home because of a jurisdictional battle between the federal and provincial governments on who would pay for his homecare.

As a 'child first' principle rooted in substantive equality, Jordan's Principle requires the government of first contact to consider and evaluate the needs of each individual child, including any needs stemming from their unique cultural background, historical disadvantage, and the lack of on-reserve or nearby services.

Jordan's Principle is a legal principle. It is not a law nor is it a program. The implementation of Jordan's Principle is based on government decisions to operationalize the principle. This means that Jordan's Principle is implemented through a series of policy and administrative decisions that could be changed by another government. *An administrative change can increase, decrease, restrict, or eliminate access to Jordan's Principle.*

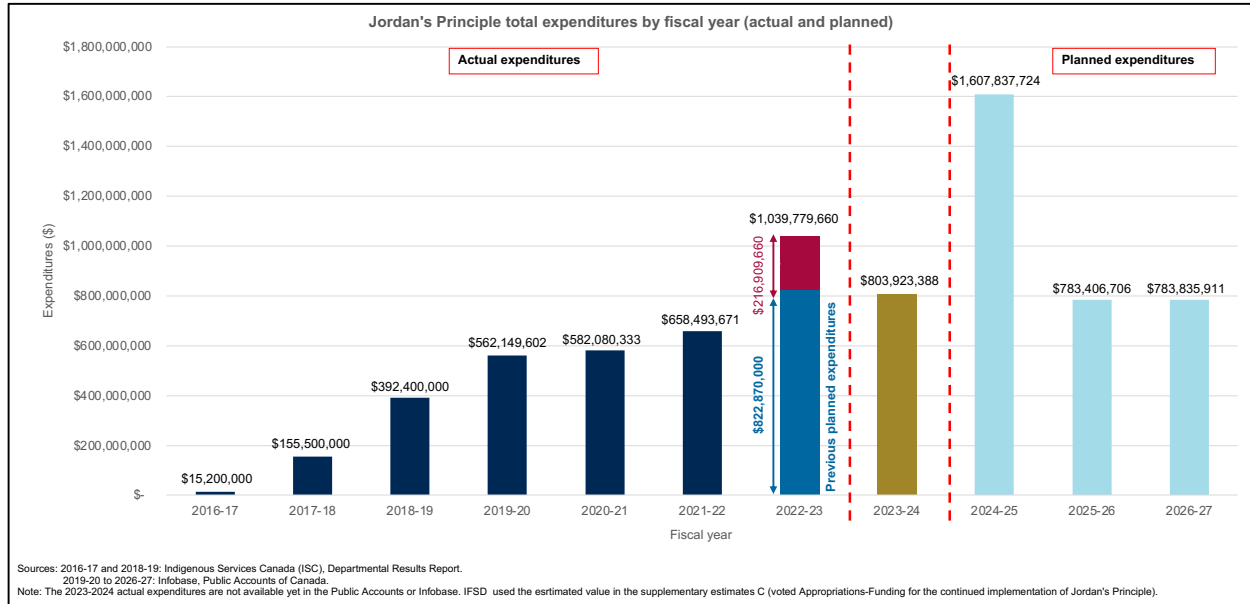
Using publicly available data, expenditures for Jordan's Principle increased on average by 39.5% per year. The planned expenditures increased by 100% in fiscal year (FY) 2024-25 and then declines by 50% in the following two fiscal years. In GC InfoBase, expenditures for FY 2024-25 are projected to be \$1.6B. Expenditures are then planned to decline for FY 2025-26 and 2026-27 to approximately \$784M.<sup>1</sup> The projected and planned expenditures are significantly higher than departmental actual and planned expenditures reported in 2022 (Figure

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<sup>1</sup> GC InfoBase, "Infographic for Jordan's Principle and the Inuit Child First Initiative," last updated August 19, 2024, <https://www.tbs-sct.canada.ca/ems-sgd/edb-bdd/index-eng.html#infographic/program/INDSC-BYP06/financial>.

1). Financial data for the “non-active” Jordan’s Principle and Inuit Child First Initiative reporting up to FY 2022-23, indicated planned expenditures of \$1.0B for FY 2022-23, nearly \$140M more than planned spending.<sup>2</sup>

Figure 1



There is no clear pattern in the government’s estimated funding allocations for Jordan’s Principle. The volatility in growth and differences between planned and actual expenditures suggests a lack of understanding of expenditure drivers and the magnitude of funding requirements. Even if Jordan’s Principle is considered a ‘demand-driven’ expenditure, there are always estimates to govern planning. Indigenous Services Canada’s (ISC) public expenditure information does not suggest any consistent planning or understanding of Jordan’s Principle.

Jordan’s Principle is helping children by ensuring they have access to supports and services when they need them. There has been a consistent growth in the number of requests to Jordan’s Principle across fiscal years. While Jordan’s Principle is concealing gaps in other program and service areas, clarity around its operation and impacts is needed for its sustainability.

Analysis of ISC’s GC Case data indicates growth in the number of requests, approvals, and funding, consistent with publicly accessible expenditure data (Figure 2).<sup>3</sup> In 2019-20 and 2020-21, requests were associated principally to education, followed by medical transportation (Figure 3 and Figure 4). Note that the requests are considered in aggregate, i.e., no distinction between individual and group requests.

<sup>2</sup> GC InfoBase, “Infographic for Jordan's Principle and the Inuit Child First Initiative,” last updated August 19, 2024, <https://www.tbs-sct.canada.ca/ems-sgd/edb-bdd/index-eng.html#infographic/program/INDSC-BXM01/financial>.

<sup>3</sup> Note that Figures 2, 3, and 4 were extracted from Institute of Fiscal Studies and Democracy (IFSD), *Data assessment and framing of an analysis of substantive equality through the application of Jordan's Principle*, September 2022, <https://ifsd.ca/wp-content/uploads/2024/06/ifsd-report-2022-09-data-assessment-and-framing-analysis-of-substantive-equality-through-the-application-of-jordans-principle.pdf>.

Figure 2



Figure 3

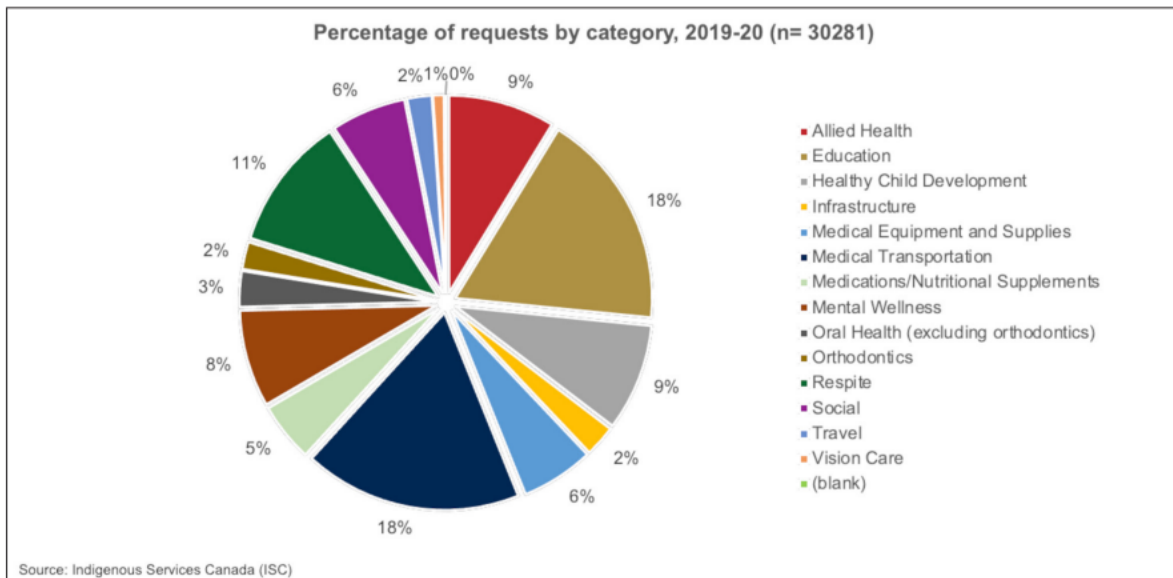


Figure 4

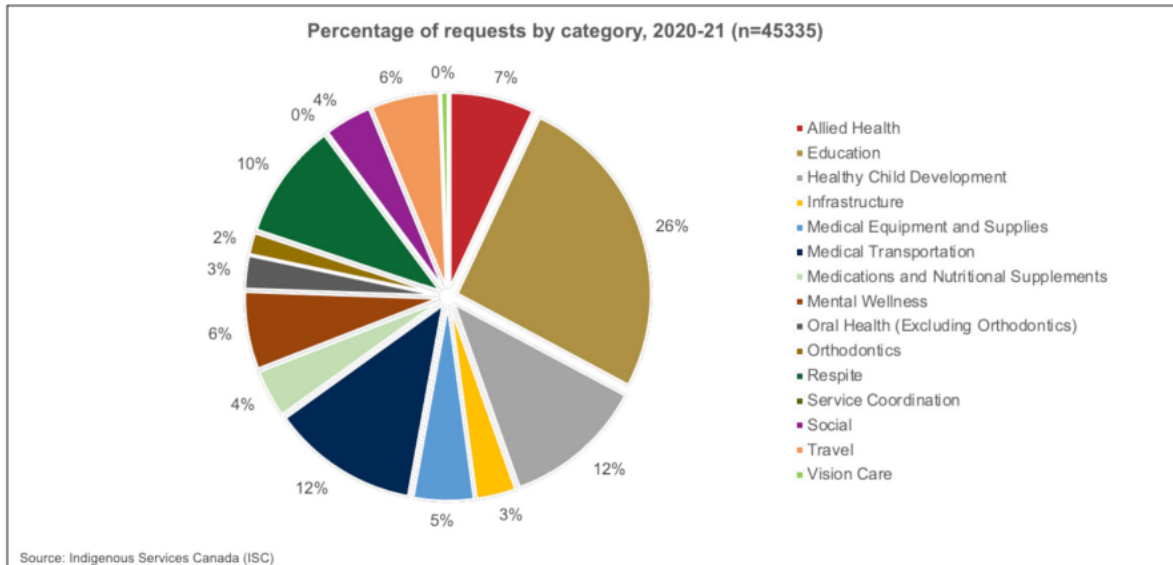


Table 1

<b>What we know</b>	Jordan's Principle is addressing needs.
<b>What we don't know</b>	The root causes of requests to Jordan's Principle...why are children in need? We know inequalities exist, but what are they? How are they affecting children?
<b>Why this matters</b>	Jordan's Principle is concealing gaps in existing program areas. Understanding the root causes of need is critical to developing informed policy and funding decisions to support well-being over the long-term.

The lack of quantification of gaps means root causes go unaddressed. Jordan's Principle has the potential to identify gaps, address them, and if warranted, build a case for a broader response. In its current operation, there is no way of knowing if the funding from Jordan's Principle is addressing gaps in pursuit of formal or substantive equality (Table 1). This would require linking **why** the claim was being made, i.e., the shortfall being addressed, and **what** happened to the child's/group's wellness after the claim.

From a public finance perspective, the missing link between the starting point of the child and the outcomes post-intervention for Jordan's Principle are significant. The missing information means results are undefined, as resources, products, services, and outcomes for children cannot be linked. Such information gaps are especially significant when the effectiveness and efficiency of spending activities are being assessed. To remain sustainable, Jordan's Principle must document and demonstrate results for children.

Jordan's Principle's achievements, i.e., results for children, are not effectively captured by ISC. While First Nations and First Nations families have been clear about the positive impacts of

Jordan's Principle, there is relevant information that could be used to better support children that is missing. Understanding requests in context by aligning the realities of First Nations children, to their requests, and changes after an intervention from Jordan's Principle would be useful in quantifying gaps in existing programs and services, and demonstrating Jordan's Principle's impacts for children.

### **Assessing options**

This project remains a work in-progress. Analysis to date indicates that a sustainable approach to Jordan's Principle should include:

- 1) **Structure:** Rules, incentives, principles (policy, legal framework) to provide guidance on the spirit and intent of Jordan's Principle and its administration.
- 2) **Delivery:** Recognition of the regional variation in the administration of Jordan's Principle.
- 3) **Accountability:** Assessing results to ensure that the needs of First Nations children are being met.
- 4) **Funding:** Allocating resources to Jordan's Principle to ensure it supports the needs of First Nations children where there are gaps in other programs, services, or supports.

*IFSD anticipates a full and final report by Spring 2025.*