

## Workshop summary: Jordan's Principle working group meeting #1

### Overview

On September 18-19, 2023, the Institute of Fiscal Studies and Democracy (IFSD) convened the first meeting of a working group on Jordan's Principle. The regionally-representative working group met in Ottawa to discuss operating realities, successes, challenges, and considerations for refining/improving the delivery of Jordan's Principle. The Chatham House Rule was followed.

Twenty-five participants, representing 18 organizations, participated at the meeting (with a small number of individuals joining virtually). Participation was geographically broad, with at least one participant joining from 11 of 13 provinces and territories.

Working group members reflected on their regional practices and highlighted the differences in their approaches and results. The value of convening a regionally diverse group of Jordan's Principle managers, coordinators, and practitioners was unanimously supported by participants.

Working group members identified four matters that require attention and action:

- 1) Define a common understanding of Jordan's Principle and its goals (among First Nations, providers, ISC, etc.);
- 2) Standardize the significant regional variation in approvals;
- 3) Define a common approach to data gathering to understand needs and gaps;
- 4) Convene those supporting and delivering Jordan's Principle in First Nations to share wise practices and lessons.

The informative discussion (see Appendix A for the agenda) coalesced around these four matters and is summarized across those themes below. In addition to these matters, the working group reviewed considerations for the future of Jordan's Principle through the lenses of policy goals, structure, and accountability.

The working group committed to reconvening in winter 2024 to review data gathering and indicators for assessing the performance of Jordan's Principle.

### **The need for a common understanding of Jordan's Principle**

A legal principle, Jordan's Principle is meant to support the immediate needs of First Nations children wherever they reside. Jordan's Principle is not a 'golden bandaid' or a gap filler. It is intended to ensure First Nations children can access the supports and services they need, when they need them, no matter where they live.

The application of Jordan's principle has changed over the years by ISC, e.g., from emergency recourse to the back to basics approach. While Jordan's Principle is meeting real needs for children, gaps that should be closed continue to exist.

Programs and services adjacent to Jordan's Principle, e.g., education, health, etc. have gaps and Jordan's Principle has become a first point of contact for children and families with needs. This can create a negative feedback loop with increased reliance on Jordan's Principle without addressing the root causes of need.

Compounding this challenge are jurisdictional disputes, namely, with the provinces, when it comes to allocating resources to solve problems for First Nations children. The provincial standard of funding is often unclear, inconsistent, or undocumented, making it difficult to understand what is the normative standard.

Developing a common understanding of Jordan's Principle and its goals is necessary to establish data gathering approaches, evaluation practices, and crucially, to assess changes in the well-being of First Nations children.

The regional working group emphasized that Jordan's Principle should continue to be a resource for children. It can, however, be adjusted to better capture and meet their needs.

### **Regional variations**

Different approaches, different people, and different rules yield different results. The regional working group shared the diversity of their approaches to delivering Jordan's Principle (see Appendix B for an overview of regional approaches to requests). There were creative approaches and solutions that were shared, but it was clear that what was permitted in one region, e.g., pre-paid credit cards, gift cards, vouchers, was not necessarily permitted in others. The variance in accepted approaches needs to be addressed.

There was special emphasis placed on the importance of relationships with regional ISC officials, namely focal points. As in any interaction, positive relationships can promote collaboration and mutually beneficial solutions. Certain regions highlighted the strengths and benefits of their positive working relationships with regional ISC officials. One region even noted that their ISC counterparts spend time learning about their First Nations and have quarterly meetings scheduled with First Nations and their regional support organization. These regular interactions are opportunities for information sharing, learning, and problem solving, which promote better outcomes for the region.

Participants underscored the impact one public servant can have in managing their request. If a Jordan's Principle request cannot be approved regionally, it is escalated to headquarters, entering 'the ISC blackbox,' leaving the requestor with limited information and recourse until a decision is rendered. With significant staffing changes in some regions, participants expressed challenges with consistent decision-making at the regional level. What an official four weeks ago may have approved, another may be denying. The advocacy for consistency is left to those working in and supporting First Nations. The Caring Society is regularly called upon for support and intervention across regions when challenges arise with delayed responses and denied claims.

There was a call for greater transparency and information sharing on how decisions are made regionally, what parameters are in place to guide decisions, and whether there are inter-regional assessments of consistency in the application of Jordan's Principle. Participants suggested that ISC's officials and those working in First Nations and supporting organizations should all access the same training to ensure consistent information is shared. In their discussion on the future of Jordan's Principle, the regional working group noted the need for national standards and goals with local care and control of delivery to mitigate the variances.

**Data gathering and analysis**

Across regions, data gathering and analysis can be improved. There is a general need to capture information about needs, i.e., *why* children and families are seeking support through Jordan's Principle. This type of information can help to address gaps in existing programs and services and support First Nations in identifying local and regional needs. There was consensus in the regional working group that a new approach to data gathering is required.

Given the different types of requests, individual, group, and capital, gathering relevant information is essential for advocacy and planning. Beyond issues of delays, there were concerns raised about capital requests through the Canadian Human Rights Tribunal's (CHRT) order, CHRT 41. It was indicated by several participants that the ISC team dedicated to handling capital requests are not part of Jordan's Principle and consequently, do not always understand its purpose. The information gap means that decisions and requirements, e.g., prior group request required to approve a capital request, service must already be in place to approve capital request, are inconsistent with the spirit and intent of Jordan's Principle. Ensuring that these experiences are captured and compared can help to improve the operationalization of Jordan's Principle.

Better information gathered consistently means opportunities to more effectively monitor and evaluate decisions, with linkages to the needs of children.

There were calls for First Nations-led regional data centres that steward or gather data (based on the direction of First Nations) to track needs and outcomes for children with Jordan's Principle requests. Data comparability, consistency in availability, privacy, security, and compliance with OCAP® Principles were identified as initial considerations for improving information with Jordan's Principle.

**Convening and sharing practices**

Participants indicated that this was the first time that they gathered on Jordan's Principle across regions, with exception to the Jordan's Principle Operations Committee (JPOC). Some regions even noted they had been dissuaded from convening or from comparing their practices with other regions by ISC.

The regional working group reiterated the importance and utility in convening as a group. The opportunity to exchange practices, share experiences and ideas, and explore solutions was appreciated.

**Future considerations**

The regional working group discussed considerations for the future of Jordan's Principle. There is a need to build a common understanding of Jordan's Principle for consistency in supporting the needs of First Nations children. Practical considerations, e.g., multi-year funding for recurring or long-term needs, were identified alongside structural issues in the operation of Jordan's Principle.

Participants discussed future considerations for Jordan's Principle through the its policy goals, structure, and accountability mechanisms.

*Policy goal*

Jordan's Principle is about substantive equality for First Nations children.

Reconceptualizing First Nations through the lens of Citizens + helps to reinforce the differentiated needs and obligations to achieving substantive equality. In practice, this means closing existing gaps in programs and services and supporting First Nations children wherever they live.

*Structure*

National standards and goals for Jordan's Principle should be defined with local care and control in delivery. Regionally diverse systems can meet regional needs. Regional approaches and implementation should be guided by regional leadership, with the potential for regional bodies to manage funding.

*Accountability*

Defining a clear baseline for First Nations children is necessary. Indicators for measuring change in well-being should be linked to the policy goal of substantive equality through the lens of citizens +. Gathering relevant and consistent information will require capacity. This means people, systems, and processes that will require additional support. The bodies governing the operationalization of Jordan's Principle should be accountable for outcomes, e.g., First Nations, regional organizations, federal government.

**Next steps**

The regional working group committed to continuing its work and defined action items for IFSD:

- 1) Schedule follow-up meetings (late winter/early spring 2024), to define an approach to data gathering ;
- 2) Produce a draft map of Jordan's Principle and its operation (including JPOC, JPAT, service providers, etc.);
- 3) Review ISC's Departmental Plan (including revenue and expenditure projections);
- 4) Build a table of common terms, accountable actors, etc. (for contributions by working group members); and,
- 5) Ask ISC for clarification on its internal budgeting and cost estimation practices.

IFSD will share progress updates with the regional working group as information is available and welcomes their feedback on how to share project updates more broadly.

IFSD is grateful to the regional working group for their on-going efforts and looks forward to continuing this important work.

Appendix A  
Agenda

The below agenda was circulated to working group members prior to the meeting. Please note that actual proceedings may have deviated from the agenda based on the evolution of the discussion with participants.

## Jordan's Principle Working Group: Workshop Agenda

**Date:** September 18-19, 2023

**Location:** Le Germain Hotel, 30 Daly Street, Ottawa, ON, Cangiane room – 3<sup>rd</sup> floor.

### Purpose

The Institute of Fiscal Studies and Democracy (IFSD) has been asked to undertake additional research on Jordan's Principle. 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*).

IFSD's approach will be bottom-up with a focus on engagement with those working in capacities related to Jordan's Principle. Other primary data sources and secondary data sources will also be used.

A regionally-representative working group has been assembled to provide practitioner input on operating realities, successes/challenges, and considerations for refining/improving matters associated to Jordan's Principle.

During the workshop we will:

- 1) Map the Jordan's Principle ecosystem across regions, through the lenses of the actors (e.g., people or organizations involved in Jordan's Principle), institutions (e.g., rules, regulations, etc.) and ideas (e.g., substantive equality, formal equality, etc.).
- 2) Discuss considerations for improving the claims and adjudicative processes.

*An analytic summary of the workshop proceedings will be prepared for collaborator review, and will be made publicly available. The content of the summary may also be included in a final report to the Caring Society.*

### Guiding questions

Consider these questions to guide participation:

- 1) How do you interact with Jordan's Principle?
- 2) How does the claims process work in your region?
- 3) Who do you interact with for the purposes of Jordan's Principle?
- 4) Do First Nations or other organizations (other than ISC) adjudicate claims?
- 5) What positions or organizations are in place to support claims?
- 6) Do you leverage supports or services from your First Nation, or elsewhere?
- 7) Could the claims process be improved or changed?

### **Expected outcomes**

By the end of the working meeting, we will have:

- 1) Reviewed regional approaches and processes in the operationalization of Jordan's Principle;
- 2) Built an understanding of the national and regional landscape of organizations and positions that support Jordan's Principle claims; and,
- 3) Shared considerations and opportunities for improving the claims and adjudicative processes.

### **Preparing for the workshop**

To help make the most of our time together, IFSD asks that you kindly review the briefing materials included in the transmittal email:

- 1) Project overview;
- 2) Summary of findings from Part 1 and overview of Part 2;
- 3) Workshop agenda; and,
- 4) Draft regional portrait of the claims process (please come prepared to discuss your region's approach to the claims process).

AGENDA

DAY 1

<b>Le Germain Hotel</b> <b>Cangiante Room – 3<sup>rd</sup> floor</b> <b>DATE: September 18, 2023</b>	
<b>Goal:</b> Mapping the Jordan’s Principle ecosystem across regions, through the lenses of actors, institutions, and ideas.	
8:00-9:00	Breakfast
9:00-9:30	Elder’s welcome and opening prayer
9:30-10:00	Introductions and overview of Phase 1 and 2 – <i>Dr. Helaina Gaspard, IFSD</i>
10:00-10:15	Break
10:15-11:15	Roundtable discussion: <ul style="list-style-type: none"> <li>• What is the goal of Jordan’s Principle?</li> <li>• When do you seek support through Jordan’s Principle?</li> </ul>
11:15-12:00	<i>Exercise: Mapping the Jordan’s Principle ecosystem in your region</i> In this session, representatives will work with regional teams to depict the Jordan’s Principle claims process in their region, with support from IFSD staff.
12:00-13:00	Lunch
13:00-14:30	<i>Share-back session: Mapping the Jordan’s Principle ecosystem in your region</i> In this session, representatives are invited to share the results of the morning’s mapping exercise. <ul style="list-style-type: none"> <li>• How does Jordan’s Principle work in your region?</li> <li>• What works well?</li> <li>• What challenges do you face?</li> <li>• What can other regions learn from your experience?</li> </ul>
14:30-14:45	Break
14:45-16:15	Roundtable discussion: <ul style="list-style-type: none"> <li>• How is Jordan’s Principle working in your region?</li> <li>• What actors, organizations, or entities are involved in the Jordan’s Principle process? How are they involved?</li> <li>• Do First Nations or other organizations (other than ISC) adjudicate claims?</li> <li>• Are there any guiding principles or goals that underlie the Jordan’s Principle in your region?</li> <li>• Are there specific rules, regulations, practices, or policies, that guide Jordan’s Principle in your region?</li> </ul>
16:15-16:30	Concluding discussion for day 1
16:30	Cocktails at Le Germain (2 <sup>nd</sup> floor)



DAY 2

<b>Le Germain Hotel</b> <b>Cangiante Room – 3<sup>rd</sup> floor</b> <b>DATE: September 19, 2023</b>	
<b>Goal:</b> Discuss considerations for improving the claims and adjudicative processes locally, regionally, and nationally.	
8:00-9:00	Breakfast
9:00-9:15	Recap and goals
9:15-10:30	<i>Group Exercise: Claims and Adjudication</i> In this exercise, representatives will outline the actors, institutions, and ideas involved at local, regional, and national levels on the claims and adjudication processes (see template below) <ul style="list-style-type: none"> <li>• Could the claims, adjudication, appeals, or complaints process be improved or changed?</li> <li>• What works?</li> <li>• What doesn't?</li> <li>• How could the process be improved?</li> </ul>
10:30-10:45	Break
10:45-12:00	<i>Group Exercise: Appeals and Complaints (continued)</i>
12:00-13:00	Lunch
13:00-15:00	<i>Group Discussion: If you could redesign Jordan's Principle, what would it look like? How would it work?</i>
15:00-15:15	Concluding remarks and next steps
15:15	Coffee and tea

Template for Day 2 Group Exercise

		Stage			
		Claims	Adjudication	Appeals	Complaints
Level	Local				
	Regional				
	National				

For each stage and level:

- Who is involved?
- What are their roles?
- What are the associated rules and processes?
- What are successes and challenges?

Appendix B  
Regional Profiles

Please note that IFSD is still working with several working group members to adjust regional profiles. As such, this appendix does not include every region. The package will be updated as practices are confirmed.

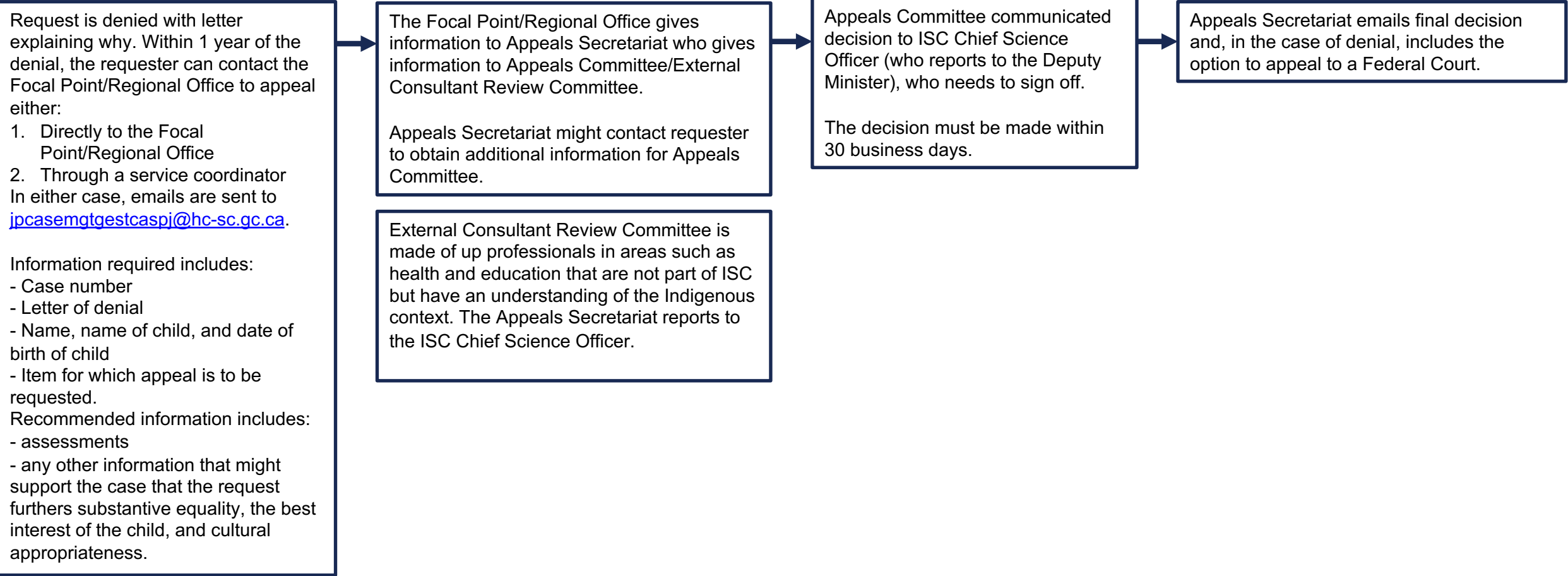
IFSD welcomes your feedback and input on the regional profiles. We want to ensure these portraits accurately capture the process in your region.

Two parallel diagonal lines, one in a golden-brown color and one in a dark blue color, extending from the top-left towards the bottom-right of the page.

## Jordan's Principle Regional Profiles

# Appeal Process

*Disclaimer:* This graphic is provided as a prompt for working group members. IFSD does not warrant its completeness or accuracy. IFSD intends to work with stakeholders to develop comprehensive regional portraits.



## Complaint Process

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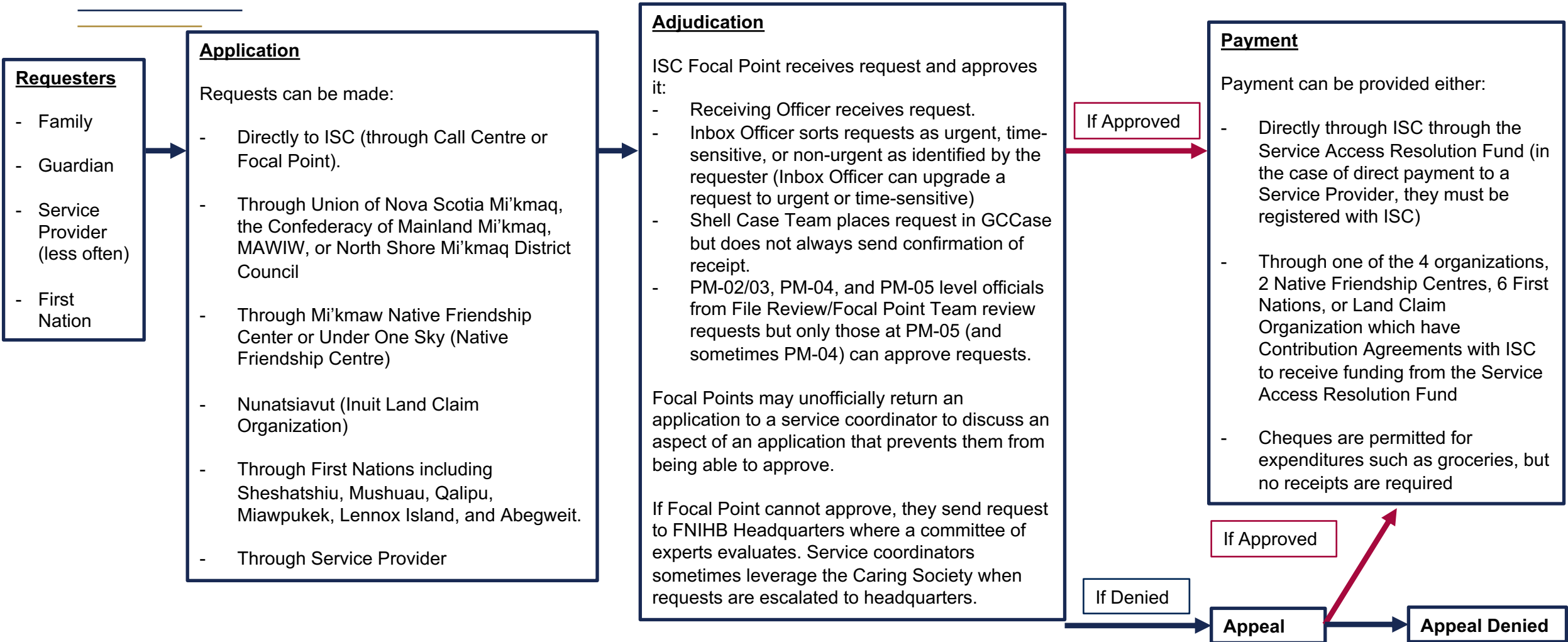
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In cases where ISC has not met the CHRT's prescribed timelines with regard to adjudication and payment, a requester (potentially with assistance of a Service Coordinator) can:

- Send additional material such as a personal statement or a referral (in the case of adjudication)
- Submit a follow-up application
- Contact the Focal Point/Regional Office
- Contact an ISC Program Officer
- Contact a provincial authority
- Write to an MP
- Contact the Caring Society

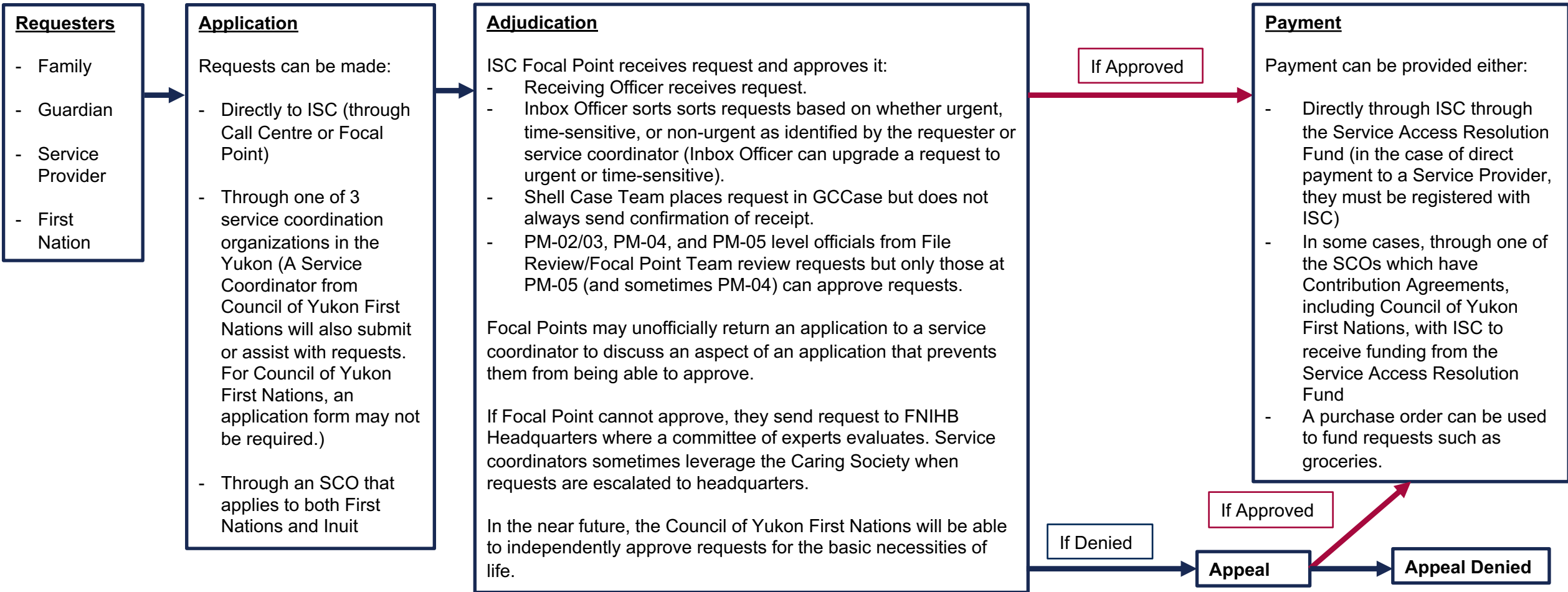
# Atlantic

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# Yukon

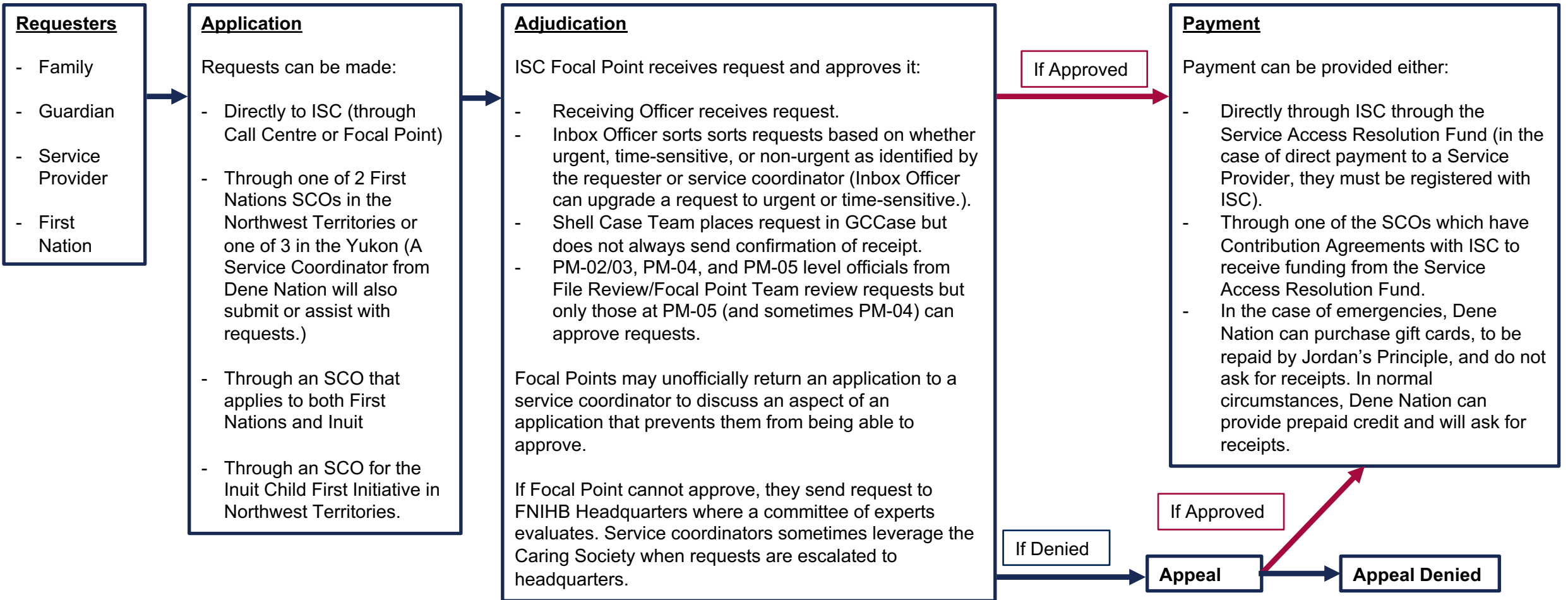
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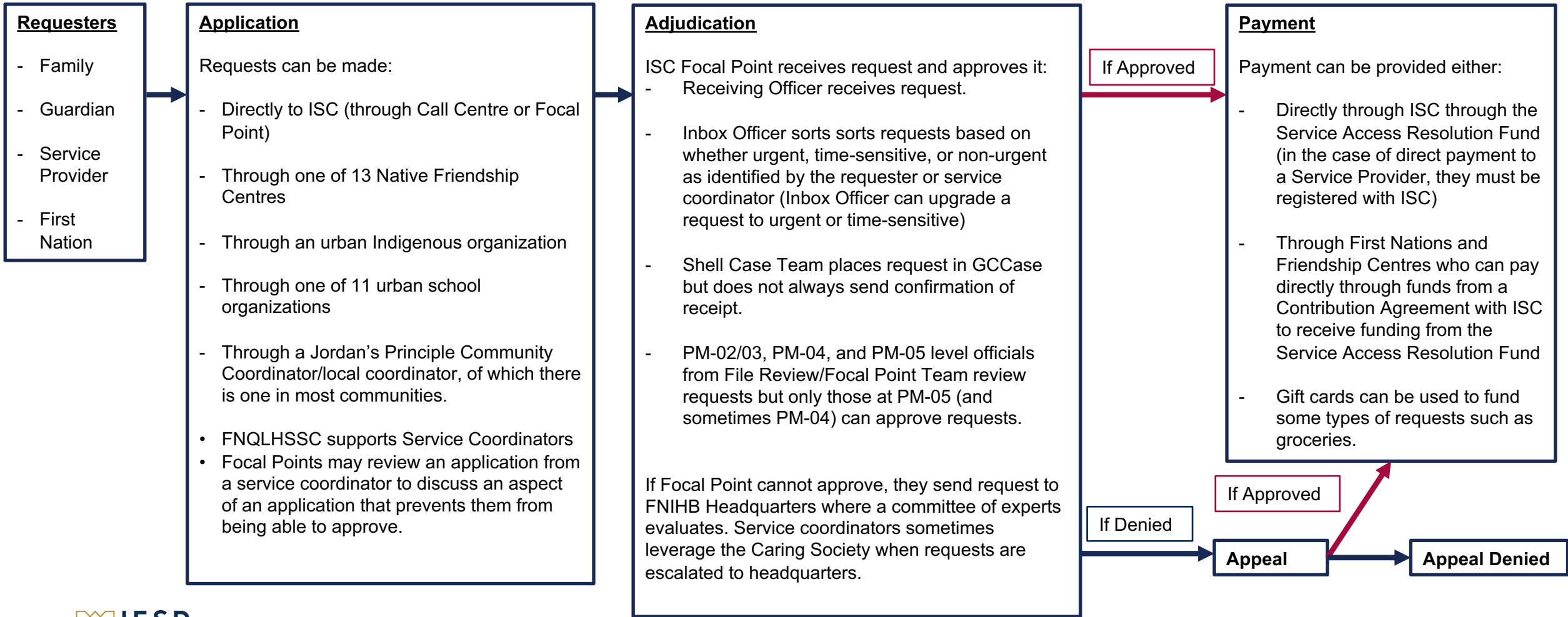
# Northwest Territories

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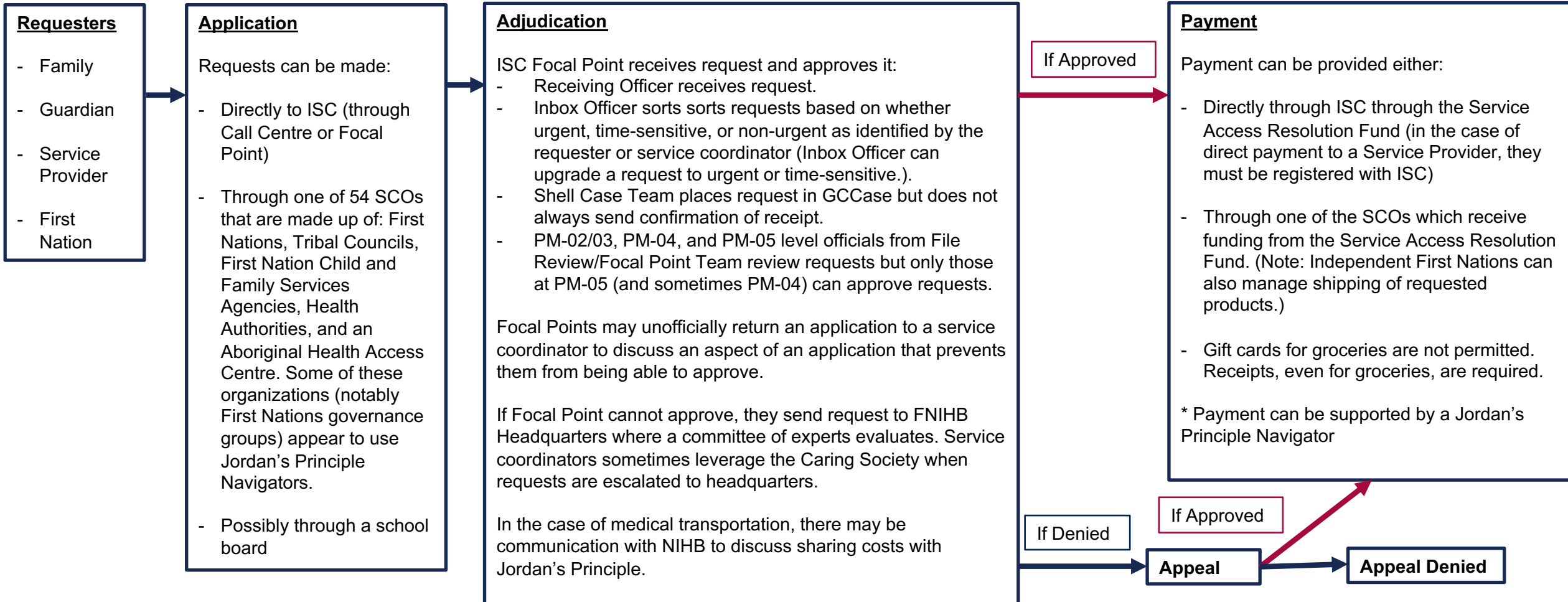
# Quebec

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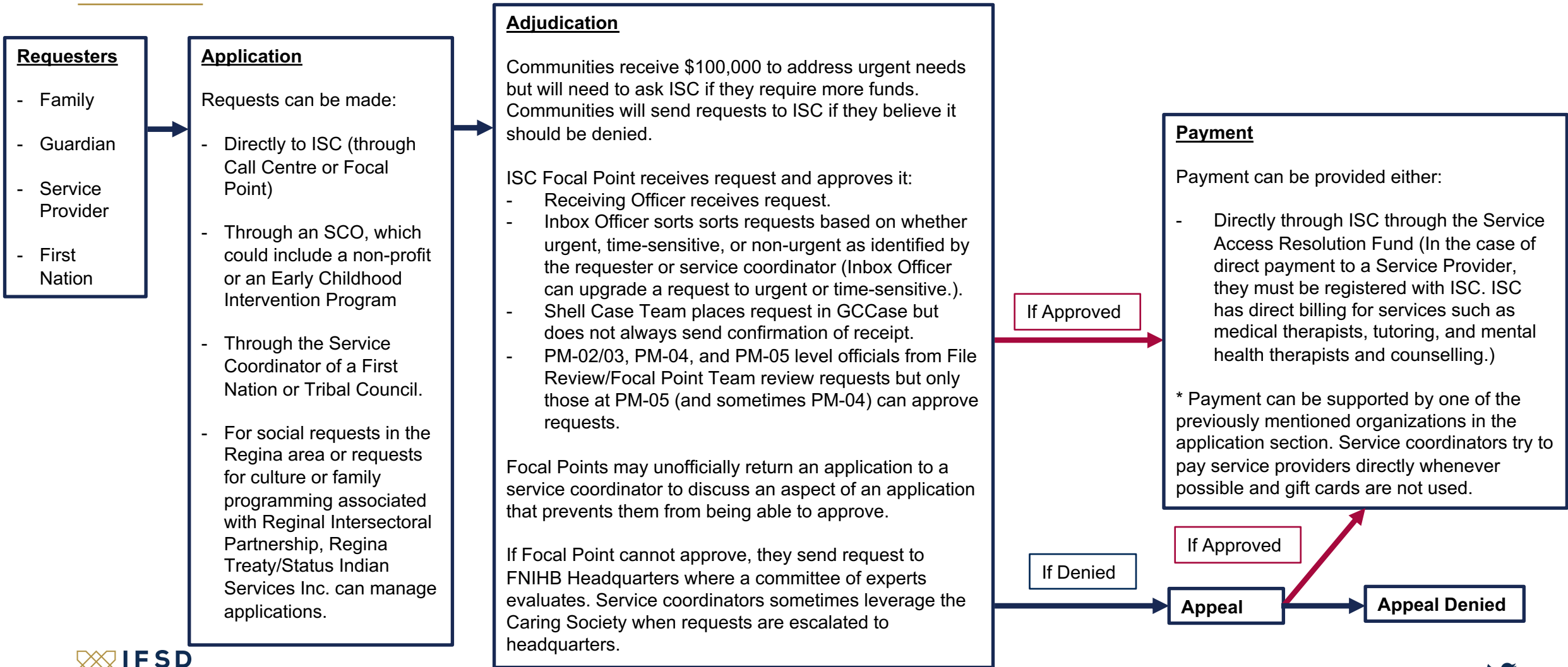
# Ontario

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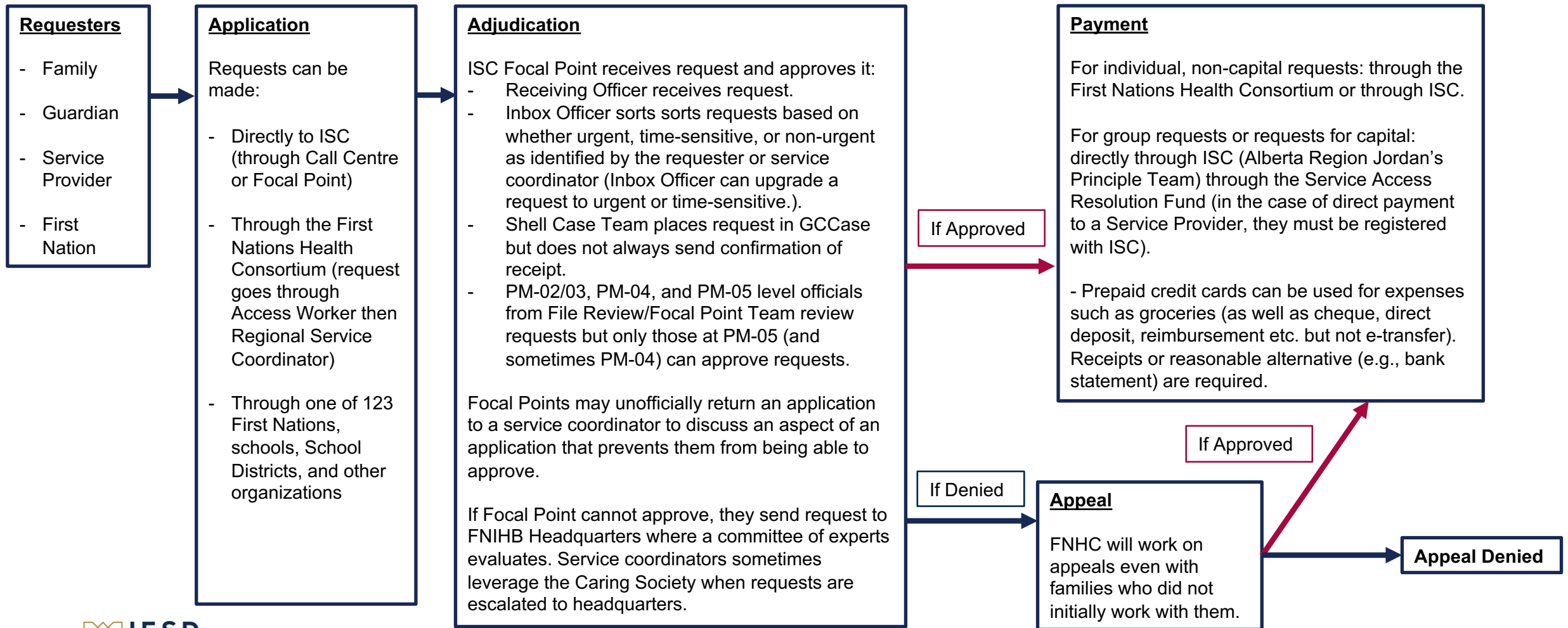
# Saskatchewan

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# Alberta

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# British Columbia

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