Jordan's Principle Policy Recommendations & Communications

First Nations Health Managers' Association (FNHMA) Workshop
Presentation by the Assembly of First Nations (AFN)

November 7, 2024

WWW.AFN.CA

Introductions

Jessica Quinn (she/her)
Senior Policy Analyst, Assembly of First Nations

Mariah Sylvester (she/her)
Policy Analyst, Assembly of First Nations

Background

Jordan's Principle is named in honour of **Jordan River Anderson**, a First Nations child from Norway House Cree Nation in Manitoba, who was born with complex medical needs and did not receive the services he needed because the governments of Canada and Manitoba could not agree on payment for his care.

Jordan passed in hospital at age five, never having the chance to live in his family's home or community because of this jurisdictional dispute. Jordan's fight for equity has created a lasting impact for all First Nations children and families.

Jordan River Anderson's legacy lives on through Jordan's Principle and will continue to improve the lives and wellbeing of First Nations children and families for generations.

Background

- In 2007, the Assembly of First Nations (AFN) and Caring Society filed a human rights complaint on the narrow implementation of Jordan's Principle; in 2016, the Canadian Human Rights Tribunal (CHRT) upheld this complaint.
- In 2018, the Jordan's Principle Action Table (JPAT) developed policy recommendations for the long-term implementation of Jordan's Principle.
- AFN reached an Agreement-in-Principle (AIP) on long-term reform in December 2021, with $19 billion commitment over 5 years.
- Recent federal budget investments:
  - Budget 2022: $4 billion over 6 years
  - Budget 2024: $1.6 billion over 2 years

AFN's Advocacy at the CHRT

- **2016 CHRT 2: Merits Decision**
  - CHRT agreed that Canada was discriminating against First Nations children and families in its narrow implementation of Jordan's Principle; ordered immediate reforms.
- **2019 CHRT 39: Compensation Orders**
  - CHRT awarded victims of Canada's discrimination $40,000 in compensation dating back to 2006/2007.
- **2020 CHRT 36: Jordan's Principle Eligibility Orders**
  - CHRT clarified the groups of children who are eligible for Jordan's Principle.
- **2021 CHRT 41: Capital Orders**
  - Canada ordered to pay the actual costs of capital to deliver Jordan's Principle.
- **2022 CHRT 8: Immediate Measures Orders**
  - Pursuant to AIP on long-term reform, Canada is required to assess resources for post-majority navigation, research to understand gaps in implementation of Jordan's Principle, and cultural competency training.

Current Implementation

- As of August 2024, Jordan's Principle has facilitated access to over 7.6 million products, services and supports since July 2016.
- Medical transportation, education and economic supports comprise the top 3 categories of approved requests.
- Approved requests have increased substantially in recent years for both individual and group requests.

First Nations' Concerns

- **Timelines:** Rates of compliance with CHRT timelines vary across regions, and some applicants face significant delays.
- **Applications:** The process to apply (or re-apply) is burdensome and requires sensitive information.
- **Adjudication & Denials:** Lack of consistency in adjudication, and disproportionately high rates of denials in some regions.
- **Capital:** Need for adequate, safe infrastructure to deliver Jordan's Principle.

First Nations' Concerns

- **Aging Out:** Youth aging out of Jordan's Principle eligibility are met with gaps in services.
- **Caseloads:** Service Coordinators and Focal Points have untenably high caseloads that impact their ability to support children.
- **Service availability:** Impact of inequitable access to services, including access to professionals to provide assessments and support letters.

Proposed Policy Recommendations

Community-Based Funding & First Nations Control

- ✓ Enable First Nations to meet needs in ways that work best for their communities and shift from intervention to prevention.
- ✓ Enhance Service Coordination and case management through resources to explore models and support networking.
- ✓ Life-course approach to funding and services.
- ✓ Investments in human resources, infrastructure and capacity.
- ✓ Exploration of community-based determination and jurisdiction.

Proposed Policy Recommendations

First Nations Innovation Fund

- ✓ Flexible funding to expand and enhance best practices to address gaps and needs.
- ✓ Funding to explore and implement innovative service delivery and coordination models, including data management and reporting.

Urgent and Emergency Care

- ✓ Implement a replenishable emergency fund to enable First Nations to address immediate needs.

Proposed Policy Recommendations

Federal Program and Service Reforms

- ✓ Undertake a robust study of persistent gaps in programs and services for First Nations children and address known gaps.
- ✓ Normalize frequently requested supports in federal programs and services.
- ✓ Commit to implementing Jordan's Principle, including resolving interdepartmental payment disputes.

Proposed Policy Recommendations

Supporting First Nations Youth into Adulthood

- ✓ Needs-based, sustainable funding to facilitate care planning and service coordination for youth as they approach the age of majority.
- ✓ Establish a replenishable enhanced service fund to pay for the cost of supports for youth into adulthood.
- ✓ Establish a comprehensive service map for supports for youth reaching the age of majority.
- ✓ Extend the age of eligibility for Jordan's Principle to age 26.

Proposed Policy Recommendations

Oversight, Advocacy and Complaints Mechanism

- ✓ Establish an independent oversight, advocacy and complaints mechanism that is fair, expedient and based in the best interests of First Nations children.

Provincial and Territorial Collaboration & Implementation

- ✓ Canada, Provinces and Territories collaborate with First Nations to uphold Jordan's Principle, and respect First Nations control over Jordan's Principle where desired.

Proposed Policy Recommendations

Systems Modernization

- ✓ Identify means of modernizing services for intake and adjudicating requests, including streamlining adjudication, preventing backlogs, processing urgent requests, and payment processing.

Next Steps

- Presentation of Jordan's Principle Policy Recommendations at the AFN Special Chiefs Assembly in December 2024.
- Seek support of the Policy Recommendations by way of a Resolution.
- Negotiations on a Jordan's Principle Draft Agreement (TBD).
- Development of a Jordan's Principle Communications Hub to provide tools for First Nations, service providers, etc. to learn more about Jordan's Principle.

Discussion Questions

Policy Recommendations & Reforms

1. Do the policy recommendations reflect the concerns that you hear in your community about Jordan's Principle?

2. As a Health Manager, are there additional concerns that you hear about Jordan's Principle?

Discussion Questions

Communications Hub

- What communication tools would be useful to you as a Health Manager regarding Jordan's Principle, both now and in the context of reforms?
- What modalities are most useful for communications (e.g., website, hard copy brochures/information sheets, digital resources, social media, etc.)

Discussion Questions

Connections between Jordan's Principle and Health Managers

- Are there relationships between Jordan's Principle Service Coordinators and Health Managers/other Health workers in your community? What do those relationships look like (e.g., referrals, service delivery, etc.)?
- What could strengthen the relationships between Jordan's Principle and Health Managers/other Health workers in your community ?