

FIRST NATIONS CHILD AND FAMILY SERVICES

JOINT NATIONAL POLICY REVIEW

FINAL REPORT JUNE 2000



PREPARED FOR:

**Assembly Of First Nations With First Nations Child And Family Service
Agency Representatives In Partnership With The
Department Of Indian Affairs And Northern Development**

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**CHAPTER EIGHT
FIRST NATIONS CHILD AND FAMILY SERVICES
NATIONAL POLICY REVIEW
RECOMMENDATIONS**

Overview

The finding of the National Policy Review resulted in 17 final recommendations related to the four themes of the study: governance, legislation and standards, communications and funding. They are as follows:

- 1a. The joint Steering Committee of the National Policy Review recognizes that Directive 20-1 is based on a philosophy of delegated authority. The new policy or Directive must be supportive of the goal of First Nations to assume full jurisdiction over child welfare. The principles and goals of the new policy must enable self-governance and support First Nation leadership to that end, consistent with the policy of the Government of Canada as articulated in *Gathering Strength*.
- 1b. The new policy or directive must support the governance mechanisms of First Nations and local agencies. Primary accountability back to community and First Nations leadership must be recognized and supported by the policy.
2. The joint Steering Committee recognizes a need for a national process to support First Nation agencies and practitioners in delivery of services through various measures, including best practices.
3. A national framework is required that will be sensitive to the variations that exist regionally in relation to legislation and standards. Tripartite tables consisting of representatives from First Nations, DIAND and the province/territory are required to identify issues and solutions that fit the needs of each province/territory. Some of the issues that will need to be addressed by these regional tables consist of (but are not limited to) the following:
 - a) definitions of maintenance
 - b) identification of essential statutory services and mechanisms for funding these services
 - c) definitions of target populations (as well as the roles of federal / provincial / territorial governments related to provision of services)
 - d) adjustment factors for new provincial programs and services - processes for FNCFS agencies to adjust and accommodate the impacts of changes in programs and services
 - e) definition of special needs child
 - f) dispute mechanisms to address non-billable children in care
 - g) definition of range of services

h) definition of financial audit and compliance comparability/reciprocity between provincial and First Nation accreditation, training and qualifications requirements of staff (c.g. licensing criteria)

4. DIAND, Health Canada, the provinces / territories and First Nation agencies must give priority to clarifying jurisdiction and resourcing issues related to responsibility for programming and funding for children with complex needs, such as handicapped children and children with emotional and/or medical needs. Services provided to these children must incorporate the importance of cultural heritage and identity.

5. A national framework is needed that includes fundamental principles of supporting FNCFS agencies, that is sensitive to provincial/territorial variances, and has mechanisms to ensure communication, accountability and dispute resolution mechanisms. This will include evaluation of the roles and capacity of all parties.

6. The funding formula in Directive 20-1 is not flexible and is outdated. The methodology for funding operations must be investigated. The new methodology should consider factors such as work load/case analysis, national demographics and the impact on large and small agencies, and economy of scale. Some of the other issues the new formula must address but not be limited to are:

- a) Gaps in the operations formula. A clear definition is required.
- b) Adjustment for remoteness
- c) Establishment of national standards
- d) Establishment of an average cost per caseload
- e) Establishment of caseload / workload measurement models
- f) Ways of funding a full service model of FNCFS
- g) The issue of liability
- h) Exploration of start up developmental costs
- i) Develop and maintain information systems and technological capacity.

7. The Joint Steering Committee found that the funding formula does not provide adequate resources to allow FNCFS agencies to do legislated/targeted prevention, alternative programs, and least disruptive/intrusive measures for children at risk. It is recommended that DIAND seek funding to support such programming as part of agency funding.

8. DIAND must pursue the necessary authorities to enable FNCFS agencies to enter into multi-year agreements and/or block funding as an option to contribution funding, in order to further enhance the ability of First Nations to deliver programs that are geared to maintaining children within their families, communities and reuniting those children-in-care with their families. This requires the development of a methodology for establishing funding levels for block funding arrangements that encompass:

- a) a methodology and authority for new and second generation agreements
 - b) multi-year authorities for these programs with a criteria for measurement of success. [DIAND may need to go to Cabinet to get authority for these.]
9. An "exceptional circumstances" funding methodology is required to respond to First Nation communities in crisis where large numbers of children are at risk. Best practices shall inform the development of this methodology.
 10. A management information system must be developed and funded for First Nations in order to ensure the establishment of consistent, reliable data collection, analysis and reporting procedures amongst all parties (First Nations, regions, provinces/territories and headquarters).
 11. Funding is required to assist First Nations CFS Agencies in the development of their computerization ability in terms of capacity, hardware and software.
 12. Funding is required for all agencies for ongoing evaluation based on a national framework with guidelines to be developed.
 13. DIAND and First Nations need to identify capital requirements for FNCFS agencies with a goal to develop a creative approach to finance First Nation child and family facilities that will enhance holistic service delivery at the community level.
 14. Funding is required for on-going standards development that will allow FNCFS agencies to address change over time.
 15. Priority consideration should be given to reinstating annual cost of living adjustments as soon as possible. Consideration should also be given to address the fact that there has not been an increase in cost of living since 1995-96.
 16. Phased in funding is a problem in the formula and should be based on the level of delegation from the province.
 17. An immediate tripartite review (Canada, Ontario and Ontario First Nations) be undertaken in Ontario due to the implications of the 1965 Indian Welfare Agreement, current changes to the funding formula, and the Ontario Child Welfare Reform.

Conclusion

A new policy to replace current Directive 20-1 (chapter 5) must be developed in a joint process that includes all stakeholders and ensures funding support for that process according to the following action plan.

CHAPTER NINE
FIRST NATIONS CHILD AND FAMILY SERVICES
NATIONAL POLICY REVIEW
NEXT STEPS

Interim Guiding Principles

1. *That the best interests and well being of First Nations children, families and communities will be the paramount consideration guiding the implementation process.*
2. *That First Nations CFS programs should be based on First Nations values, customs, traditions, culture, and governance.*
3. *That the implementation be conducted jointly by AFN, FN, CFS Directors, Health Canada and DIAND.*
4. *That DIAND will place a moratorium on decreases in the amount of funding or number of funding arrangements for First Nations child and Family Services Agencies.*
5. *That the funding be guided by the commitment of First Nations and the Government of Canada to ensure parity between First Nations child and family services and provincial/territorial child and family services.*