JORDAN’S PRINCIPLE IMPLEMENTATION: OBSERVATIONS FROM OUTSIDE QUEBEC

PRESENTATION TO THE PUBLIC INQUIRY COMMISSION ON RELATIONS BETWEEN INDIGENOUS PEOPLES AND CERTAIN PUBLIC SERVICES IN QUEBEC

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OBSERVATIONS BASED ON THREE RESEARCH PROJECTS

- Jordan’s Principle Working Group (National, 2012-16)
  - Review of 300+ policy documents
  - Semi-structured interviews with child welfare and health care workers

- Pinaymootang First Nation (Manitoba, 2015-17)
  - Focus groups with community service providers (school, social services, health, child welfare)
  - Participant observation (service provider meetings)
  - Interviews with service providers, policy specialists and caregivers to children with special health care needs

- First Nations Health Consortium (Alberta, 2016-present)
  - Participant observation
  - Focus groups
  - Interviews
  - Administrative data analysis
  - Document review

- Networks & interactions growing out of this work

Information about all studies available at: csprg.research.mcgill.ca
JORDAN’S PRINCIPLE – INCREASING ACCESS TO SERVICES

- Short term response to Jordan’s Principle - up to $383 million over 3 years (announced July 2016)
  - Required services that are unavailable/unfunded covered through Service Access Resolution Fund administered by ‘focal points’
    - Services for individual children
    - Group requests - service provision initiatives
  - Service coordination initiatives
  - Programs for children with complex medical needs
  - Funding/agreements to extend provincial services on reserve

- Implementation challenges a well-recognized part of the policy process
  - Exacerbated by short timelines
    - Outlined by the Canadian Human Rights Tribunal
    - Necessitated by decade-long government failure to implement Jordan’s Principle
Demand driven processes
- Place burden on parents & communities
- Potentially amplify existing disparities
- Potentially create new disparities
- Are an inefficient and insufficient means for realizing human rights

Must “Systematically identify and address the jurisdictional ambiguities and underfunding that give rise to each Jordan’s Principle Case” (Jordan’s Principle Working Group, 2015)
- Adequate documentation and data analysis
- Infrastructure for quickly proposing and implementing changes in existing policy
- Shift in the outcomes being reported – from individual cases to systemic changes
COMMUNICATION & TRANSPARENCY

- Working without adequate information
  - Lack of clarity about long term policy processes at the national level
  - Limited/delayed information about short term policy changes
  - Absence of infrastructure/opportunities to share information across regions
  - Failures to make public basic information about services being funded within regions
- Inclusive equality (Sheppard, 2018) – “substantive outcomes as well as procedural equality”
  - “Participatory decision-making processes, community autonomy, and equitable political power structures within organizations, communities, and countries (Sheppard, 2018).”
  - Stronger linkages across levels (national, regional, community)
FOCAL POINT PROCESS

- Tensions linked to administrative discretion
  - Limited growth in focal point staff, increasing number of cases
  - Increasing national oversight of decisions
  - Minimal policy guidelines = high level of worker discretion in facilitating process
    - Variation in practices and standards across focal points
    - Some reports of increasing/shifting requirements around information & documentation
    - Some reports of failures in communication around cases
- “It is about the Aboriginal perspective; picture yourself in the community, and see it [the request] from that perspective.” (Justice Mandamin, 2017)
  - Ensure that focal points have the needed backgrounds, supports, and ongoing engagement with First Nations communities
- Ensure that national policies are informed by and responsive to experiences of regional focal points
SUSTAINABILITY

- Short term timelines
  - Challenges in hiring and program development
  - Limitations on services in individual cases
  - Nations/organizations with the greatest existing capacity best positioned to benefit
- Long term funding
  - Reconciling new initiatives with existing programs/services/mandates
  - Support for capacity building
    - Short term (e.g. additional training on speech and language basics for case workers already working in communities)
    - Long-term (e.g. funding the training of local First Nations workers in the allied health professions)
ENGAGEMENT OF PROVINCE

- Struggle to engage provinces in meaningful way
  - Little guidance or support on how to do this
- Access to provincial service infrastructures and economies of scale necessary
- Focus on cultural safety also essential (Gerlach, 2018)
  - Responding to communities' rights to self-determination
  - Learning from community
  - Focusing on strengths and well being
  - Investing in relationships
  - Making space for Indigenous knowledges and languages
  - Using assessment cautiously
  - Reaching rural and northern communities
THANK YOU!

Key references:


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