



**Long-Term Reform of the First Nations
Child and Family Services Program and
Jordan's Principle:
First Nations Workbook**





Long-Term Reform of the First Nations Child and Family Services Program and Jordan's Principle: First Nations Workbook



Content Warning

The information contained in this workbook may be triggering.

If you are experiencing distress or crisis, please reach out for support:

Hope for Wellness: 1-855-242-3310

hopeforwellness.ca (chat option available online)

The Hope for Wellness Help Line offers immediate mental health counselling and crisis intervention to all Indigenous peoples across Canada.

Kids Help Phone (toll free): 1-800-668-6868

Text "TALK" to 686868 to reach a counsellor

[Kidshelpphone.ca](https://kidshelpphone.ca)

Kids Help Phone is a e-mental health services provider, available 24/7 to children, youth and young adults across Canada.

This document includes reference to:

- Multigenerational Trauma
- Residential Schools
- Canada's Discrimination
- Child Welfare/Child and Family Services
- Care experience/care status
- Indigenous Services Canada
- Government (Federal, Provincial, Territorial)
- Child maltreatment



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Glossary

Baseline Funding: Funding based on 2020-2021 expenditures of the First Nations Child and Family Services (FNCFS) Program, notionally allocated to protection, maintenance, and operations costs, increasing with inflation and population growth. The baseline is also used as a proxy for the level of need for funding in a community. As such the amount of funding that recipients will receive for other funding components, such as results and information technology, is calculated as a percentage of the baseline.

Block Funding: A Government of Canada multi-year funding arrangement that provides stable funding, and maximum flexibility within the FNCFS Program, including reallocation and carry-over of funds across streams of the FNCFS Program. Flexibility to re-allocate is limited to expenditures within the FNCFS Program in order to protect funding for children, youth and families from being diverted to other purposes.

Canadian Human Rights Tribunal (CHRT): A Tribunal that applies the *Canadian Human Rights Act* and determines if a person or organization has discrimination under the Act. In 2007, the Assembly of First Nations (AFN) and the First Nations Child and Family Caring Society filed a complaint with the CHRT alleging that Canada was racially discriminating against First Nations children in its underfunding of the FNCFS Program and narrow application of Jordan's Principle. The subsequent orders from the Tribunal became the impetus of the class action process and the negotiation of the Final Settlement Agreement.

Capital: Property such as buildings or vehicles, used to support the delivery of FNCFS or Jordan's Principle, that have a useful life beyond one year and are repaired and maintained, not replaced if damaged.

First Nations Representative Services (FNRS): A service delivered by a First Nation that provides support to First Nation families to ensure culturally appropriate support and to make certain the voices of children, youth, and families involved/at risk of involvement with the FNCFS Program are heard.

First Nations-Led Secretariat: A neutral and independent centre for best practices in child and family services and operational support, there are two core proposed mandates: 1) programming support; and 2) data collection and evidence generation. The Secretariat was proposed by First Nations research collaborators on FNCFS Program long-term reform. The full details of the Secretariat will be finalized based on input from First Nations and the results of the Phase 3 study.

Flexible Funding: Flexible funding is a Government of Canada multi-year funding mechanism similar to block funding in its ability to transfer funds between budget items but is generally shorter in length, beginning at two-year agreements, and with slightly more stringent oversight. The parameters of flexible funding shall be addressed within the Final Settlement Agreement.

Geography or Remoteness: Geography or remoteness describes the lived circumstances of First Nations for which access by road network, ice road only, air only, or other means of travel and access to service is challenging. The location of remote First Nations impacts costs, human resource pools, and service delivery. To account for these increased costs, a top-up for remoteness will be included in the reformed funding approach for the FNCFS Program.

Immediate Measures: A series of reforms to the FNCFS Program and Jordan's Principle ordered by the CHRT and as articulated in the Agreement-in-Principle on long-term reform, which were implemented as of April 1, 2022. These reforms include funding for prevention, post majority support services, First Nations



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Representative Services, the reform of Indigenous Services Canada, and an assessment related to Jordan's Principle, and funding for research conducted by the Institute of Fiscal Studies and Democracy (IFSD).

Indigenous Services Canada (ISC): The Government of Canada department responsible for improving access to services for Indigenous people and supporting Indigenous communities to independently deliver services to their citizens. Formerly, Indigenous and Northern Affairs Canada (INAC). This also refers to any successor department.

Information Technology (IT): Equipment such as computers, hardware and software, and laptops. Long-term funding reform includes a top-up for IT based on non-profit industry standards.

Inflation: Inflation is a measure of price changes experienced by consumers as defined by the Consumer Price Index (CPI). The reformed FNCFS funding approach will account for inflation by increasing funding annually based on inflation.

Institute of Fiscal Studies and Democracy (IFSD): An independent Canadian research institute in public finance and state institutions housed at the University of Ottawa. The IFSD has led research with First Nations to develop a reformed funding approach and performance measurement model for the FNCFS Program and is currently undertaking research to model and test the funding methodology and performance measurement approach.

Jordan's Principle: A child-first substantive equality principle that applies equally to all First Nations children, whether resident on or off reserve. Named in honour of Jordan River Anderson, a young First Nations boy from Norway House Cree Nation who passed away without ever having the chance to live in his family home or community due to a jurisdictional dispute, Jordan's Principle addresses the needs of First Nations children by ensuring they have access to the supports and services they need without delay or denial.

Measuring to Thrive performance measurement framework: A performance framework designed to provide First Nations and service providers with an understanding of the holistic well-being of their children, families, and community through a set of indicators. Under the reformed FNCFS Program, Measuring to Thrive will be an optional tool that for First Nations and service providers to use to monitor changes in their communities and better align resources to long-term goals.

Post Majority Support Services (PMSS): Wrap-around services and support for the safety and well-being of First Nations youth and young adults ordinarily resident on-reserve who have reached the age of majority while in care and up until their 26th birthday.

Prevention: Prevention activities address community, family, and child risk factors, and generally aim to build resilience among children, families, and First Nations. Reform of the FNCFS Program aims to address the root causes of involvement with child and family services through funding to support prevention activities.

Remoteness Index: The Remoteness Index quantifies a community's remoteness according to: (1) the proximity to all population centers within a given radius that permits daily accessibility; and (2) the population size of each population center, used as a proxy of service availability. Under the reformed FNCFS funding approach the Remoteness Index will be used to calculate the amount of funding a First Nation will receive through the top-up for remoteness.



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Part 1: Introduction to the Long-Term Reform of First Nations Child and Family Services and Jordan's Principle

The vision for long-term reform is to address and end Canada's discriminatory funding practices within the First Nations Child and Family Service (FNCFS) Program and in Canada's narrow implementation of Jordan's Principle, and to put in place accountability measures to ensure that the discrimination does not recur. Reform is focused on addressing the root causes of overrepresentation of First Nations children in the child welfare system such as chronic underfunding, lack of prevention services and infrastructure, systemic poverty, and addresses the funding and service gaps that lead to delays and denials of Jordan's Principle requests. Reform of FNCFS in particular sets out a new funding framework designed to respond to the structural drivers and root causes of over representation and to the wellbeing priorities of First Nations, to enable children and families to thrive.

The vision for the long-term reform of the FNCFS Program and Jordan's Principle is thriving First Nations children, families, and communities. The reforms outlined below achieve this vision by creating a funding structure based on First Nations-led research that identifies the wellbeing priorities of First Nations.

Long term reform includes flexibility to respond to and implement the findings and recommendations of First Nations-led oversight and accountability, ensuring that future emerging challenges do not become entrenched and systemic. Long-term reform means supporting best-practices and providing support to First Nations and service providers for operations, administration, data management and analytical capacity building so that First Nations can implement their vision of holistic wellbeing in their Nations.

About the First Nations Workbook:

To ensure First Nations are engaged in long-term reform, the Assembly of First Nations (AFN) is inviting AFN Regions to undertake engagement with First Nations according to their regional priorities. The process and design for regional engagements are to be decided by First Nations to align with regional priorities for long-term reform of the FNCFS Program and Jordan's Principle. This workbook is intended to support regional engagement by providing information, learning aids, and example questions to encourage dialogue and generate ideas. The result of these engagement sessions will be used to guide discussions towards a final settlement agreement on long-term reform, to ensure it reflects First Nations priorities and needs.

Background:

In 2007, the AFN and First Nations Child and Family Caring Society filed a human rights complaint alleging that Canada was discriminating against First Nations children and families in the funding of the FNCFS Program and narrow application of Jordan's Principle. The Canadian Human Rights Tribunal (CHRT) substantiated the complaint ([2016 CHRT 2](#)) in 2016 and ordered Canada to work with the Parties to immediately overhaul the FNCFS Program and fully implement Jordan's Principle.

Since then, the AFN has overseen the implementation of the CHRT orders and development of reform of the FNCFS program and Jordan's Principle, namely through the National Advisory Committee on First Nations Child and Family Services Program Reform (NAC), the Jordan's Principle Action Table (JPAT), the Consultation Committee on Child Welfare (CCCW) and the Jordan's Principle Operations Committee (JPOC). In 2018, the AFN retained the Institute of Fiscal Studies and Democracy (IFSD) to produce a study, *Enabling First Nations Children to Thrive*, in which a bottom-up costing of the FNCFS system identified and costed gaps in the system and analyzed determinants of FNCFS agency costs. A second study was then undertaken entitled *Funding First Nations Child and Family Services (FNCFS): A Performance Budget Approach to Well-Being*, which proposed a new funding approach for FNCFS, as well as an alternative performance framework on child, family, and community well-being, known as Measuring to Thrive.



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The work of the IFSD has now entered its third phase, which includes researching, modelling, and testing the funding and performance measurement approach developed in previous phases of IFSD's work. In Phase 3, FNCFS agencies and First Nations asserting jurisdiction under *An Act respecting First Nations, Inuit and Métis children, youth and families* (the Act) will be supported to test the new funding approach, as well as the Measuring to Thrive performance measurement framework to better understand what it means for them in their context. The results of Phase 3 will inform the long-term reform funding methodology as well as support the building of tools and best practices to support First Nations and FNCFS agencies in the delivery of FNCFS.

On November 16, 2021, the CHRT issued [2021 CHRT 41](#) ordering Canada to fund the purchase and construction of capital assets that are underway or ready to proceed, for the delivery of services under FNCFS and Jordan's Principle. On December 31, 2021, the AFN, the Government of Canada, and other Parties signed an Agreement-in-Principle (AIP) outlining a framework toward settlement on long-term reform to end discriminatory underfunding of the FNCFS Program and Jordan's Principle. The AIP sets out that long-term reform must address the discrimination identified in the CHRT's 2016 decision (2016 CHRT 2), promote healing and reconciliation and be consistent with First Nations' inherent right to self-determination over child and family services as affirmed by section 35 of the Constitution Act, 1982, and the provisions of the Act. The reforms will in no way affect a First Nation's inherent right to self-determination.

Immediate Changes to the FNCFS Program and Jordan's Principle on April 1, 2022:

On March 4, 2022, Canada, the AFN and other Parties to the Canadian Human Rights Tribunal (CHRT) process submitted a joint motion to the Tribunal seeking interim orders on immediate reforms to the FNCFS Program as well as Jordan's Principle and on the reform of Indigenous Services Canada (ISC). The CHRT affirmed the implementation of these immediate measures in the [2022 CHRT 8](#) consent motion, released on March 24, 2022.

The immediate measures included that:

- Canada will provide prevention funding in a per capita amount of \$2,500 to First Nations and/or FNCFS agencies.
- Canada will fund post majority support services for First Nations young adults aging out of care and formerly in care, up to their 26th birthday, at actual costs for the 2022-23 fiscal year.
- Canada shall consult with the Parties to implement mandatory cultural competency and anti-racism training and performance commitments for ISC employees.
- Canada shall assess the resources required to provide assistance to identify supports for the needed services of high needs Jordan's Principle recipients past the age of majority.
- Canada will fund the IFSD to conduct data and needs assessments related to Jordan's Principle and First Nations not served by an agency. Canada will also fund the IFSD's Phase 3 study which will model the bottom-up funding approach defined in IFSD Phase 2.
- Canada shall provide new per capita funding for First Nations Representative Services (FNRS).

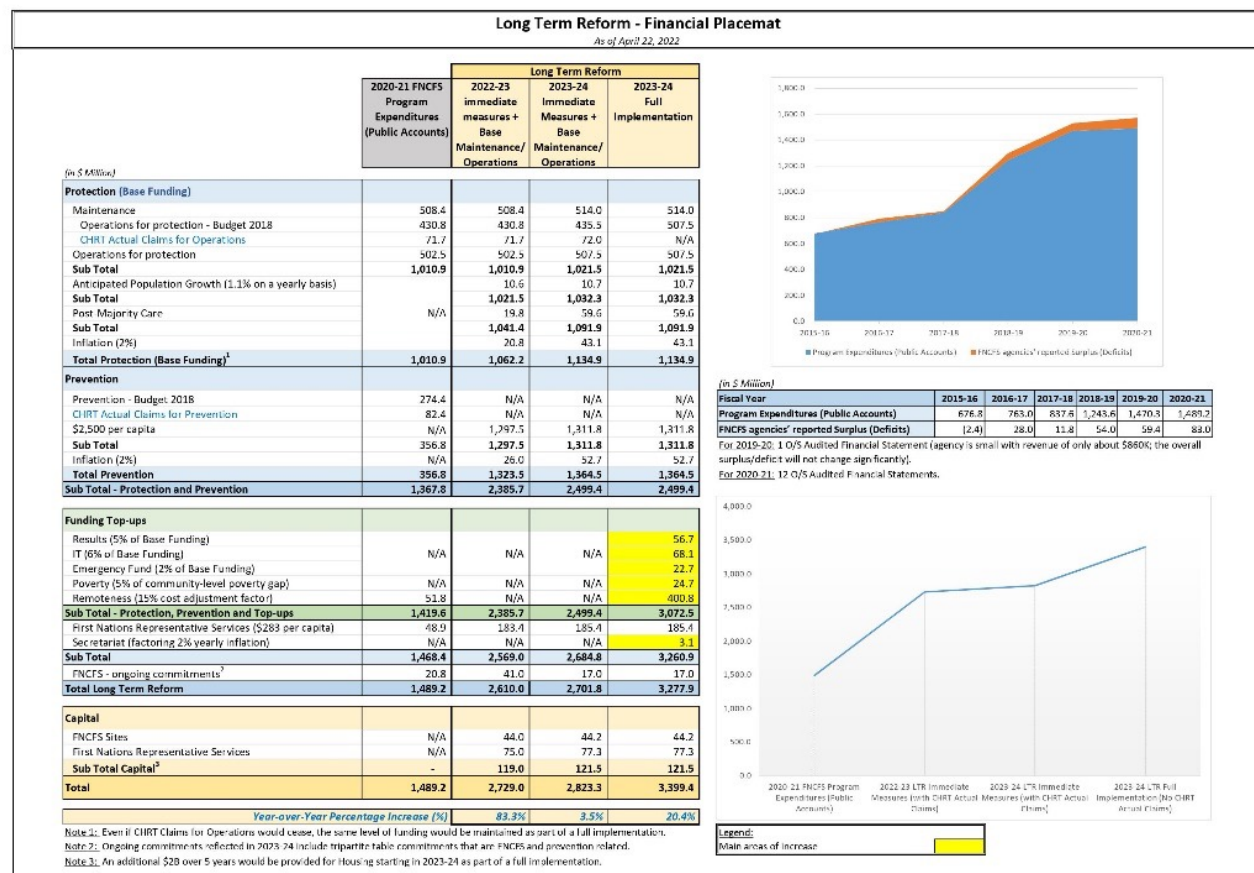


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Long-Term Reform of the FNCFS Program and Jordan's Principle includes:

- ✓ Results-based performance framework premised on the wellness of First Nations children, families, and communities.
- ✓ Address critical funding gaps in the existing FNCFS Program, such as prevention services, remoteness, emergency funding, capital and infrastructure need for service delivery and IT systems.
- ✓ Funding to account for the underlying reasons that children enter the FNCFS Program, including poverty, housing shortages, neglect, partner violence and intergenerational trauma.
- ✓ A holistic approach that considers children's wellbeing in the context of their environment, grounded in First Nations control and determination over services to support First Nations children and families to thrive.
- ✓ Development of an accountability mechanism between agencies and First Nations.
- ✓ Address bureaucratic gaps that lead to the delay or denial of Jordan's Principle requests.
- ✓ Improve access to Jordan's Principle requests by simplifying the application process.
- ✓ Assess what is needed to provide case management services for young people receiving services under Jordan's Principle past the age of majority.
- ✓ Address current data gaps and plan for ongoing improvement of data for Jordan's Principle.

This graphic demonstrates fiscal year 2020-21 FNCFS Program expenditures and the expected increase in expenditures for long-term reform up until fiscal year 2023-24.





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Part 2: Funding Components for Long-term Reform

The reformed funding structure is connected to a data framework called Measuring to Thrive and is designed to support First Nations' funding decisions that correspond to their wellness priorities.

| Funding Component | Description |
|------------------------------------|--|
| <i>Baseline</i> | <ul style="list-style-type: none"> A baseline budget that equals the actual costs of child protection and maintenance based on past expenditures (as well as funding for agency operations). Baseline funding includes adjustments for inflation and population growth. |
| <i>Poverty</i> | <ul style="list-style-type: none"> A funding top-up to address challenges associated with poverty, such as basic needs that could result in children coming into care. The top-up will be a portion (3%, 5% or 7%) of the difference between household income and the provincial poverty line based on Census data. |
| <i>Prevention</i> | <ul style="list-style-type: none"> Funding for prevention at \$2,500 per registered First Nation on-reserve, and in Yukon for culturally relevant, community-based programs and services that address the structural drivers that place children youth and families at risk of child and family services involvement and to leverage intergenerational cultural child caring approaches. Prevention funding was implemented as part of immediate measures on long-term reform which began on April 1, 2022 |
| <i>Geography/Remoteness</i> | <ul style="list-style-type: none"> A funding top-up to address the increased costs of delivering services in remote First Nations by utilizing the Remoteness Index Score, which will also be subject to regional variations in the method. |
| <i>Capital Asset Funding</i> | <ul style="list-style-type: none"> A top-up percentage of up to 2% of the total value of FNCFS capital assets to support maintenance (e.g. buildings and vehicles). A capital asset replacement fund for major capital projects, such as new purchases, builds or extensive renovations will be determined by Phase 3. The IFSD is working on capital needs assessments with collaborating FNCFS agencies and First Nations exercising/contemplating jurisdiction to determine the need for purchase and construction of new capital and the real cost of providing that. This work will influence the final funding approach for major capital projects. |
| <i>Information Technology (IT)</i> | <ul style="list-style-type: none"> A 6% top-up of the baseline budget for FNCFS providers to purchase, upgrade and maintain IT equipment, such as computers, hard and software, and laptops. This funding is based on IT spending standards of non-profit service organizations. |
| <i>Results</i> | <ul style="list-style-type: none"> A 5% top-up on the baseline budget to support the implementation of the Measuring to Thrive framework or another set of results-based indicators. This funding would support for example, hiring and employing staff to manage the Measuring to Thrive data system. |
| <i>Emergency Funds</i> | <ul style="list-style-type: none"> Funds for emergency situations that create additional demands on FNCFS, as a 2% top-up to the baseline budget. |
| <i>Population</i> | <ul style="list-style-type: none"> Funds to account for First Nations population growth as a top-up to the baseline budget. |



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| Funding Component | Description |
|---|--|
| Inflation | <ul style="list-style-type: none"> A percentage increase each year to account for the forecasted inflation rate using the Consumer Price Index |
| Secretariat | <ul style="list-style-type: none"> A neutral First Nations-led, non-profit secretariat to support First Nations with technical and operational support and serve as a national-level data collector and monitor, as well as a clearinghouse for FNCFS program models. The Secretariat is expected to cost \$3 million per year plus inflation, as outlined in the IFSD Phase 2 report. Role for the Secretariat will be further informed by IFSD Phase 3 report |
| First Nation Representative Services | <ul style="list-style-type: none"> Funding based on \$283 per capita on reserve and in Yukon for FNRS to provide support to First Nations children and families involved in child and family services. FNRS ensure that child and family services are culturally appropriate and meet the needs of First Nations and is subject to growth for community population and inflation. |
| Post-Majority Support Services | <ul style="list-style-type: none"> Post majority support services for registered or ordinarily resident on-reserve First Nations young adults aging out of care and formerly in care, up to their 26th birthday as they transition to adulthood and independence. Funding is based on actuals as part of the Immediate Measures (2022 CHRT 8) and will transition to a formula-based approach with a new funding methodology for the FNCFS Program. |

Baseline Budget:

The baseline budget is funding based on 2020-2021 expenditures of the FNCFS Program, notionally allocated to protection, maintenance, and operations costs. The baseline budget is increased each year to account for inflation and population growth to ensure First Nations and service providers can continue to provide services that meet the needs of children, youth and families. Inflation is accounted for according to the Canadian Consumer Price Index and population will use the Indian Registration System (IRS) population count. First Nations may consider other metrics for population count.

| <div>2021-22 FNCFS Program Expenditures will be used once they become available</div> | | Starting Point | | New Year's Allocation | |
|---|------------------------------------|---------------------|---------------------|-----------------------|---------------------------|
| | A | B = A × H | C = A + B | D = C × 2%* | E = C + D |
| (in \$) | 2020-21 FNCFS Program Expenditures | % Population Growth | Sub-Total | Inflation (2%*) | Year 1 Funding Allocation |
| Protection (Base Funding) | | | | | |
| Maintenance | 500,000 | 5,000 | 505,000 | 10,100 | 515,100 |
| Operations for protection | 500,000 | 5,000 | 505,000 | 10,100 | 515,100 |
| Total Base Funding | 1,000,000 | 10,000 | 1,010,000 | 20,200 | 1,030,200 |
| | | | | | |
| | F | G | H = (G - F) ÷ F | | |
| | 2020-21 | Year 1 | % Population Growth | | |
| IRS Population Count(on-Reserve and on Crown-Land) | 1,000 | 1,010 | 1.0% | | |

Year 1 Funding Allocation will be the starting Point to calculate Year 2's Allocation



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Steps to Determine Baseline Funding:

Step 1: Calculate 2020-2021 FNCFS Program Expenditures.

Ex. Maintenance (\$500,000) + Operations for Protection (\$500,000) = \$1,000,000

Step 2: Calculate population growth.

Ex. IRS population count year 1 (1,010) – IRS population count 2020-2021 (1,000) = 10

$10 \div \text{IRS population count 2020-21 (1,000)} = \%1.0$

Step 3: Calculate the funding top-up for population growth.

Ex. 2020-21 Program expenditures (\$1,000,000) x population growth (%1) = \$10,000

Step 4: Calculate the “sub-total” of baseline funding adjusted for population growth.

Ex. 2020-21 program expenditures (\$1,000,000) + top-up for population growth (\$10,000)
= \$1,010,000

Step 5: Calculate the top-up for inflation.

Ex. Sub-total (\$1,010,000) x % Consumer Price Index (2%*) = \$20,200

Step 6: Calculate Baseline Funding for year 1.

Ex. Sub-total (\$1,010,000) + top-up for inflation (\$20,200) = \$1,030,200*

The baseline funding amount for year 1 will become the starting point for these calculations the following year, i.e., rather than using 2020-21 expenditures, year 1 baseline funding will be used.

***Please note that the 2% rate used to calculate inflation in the table and in the steps provided above is for ease of demonstration only.**

Feedback

- ✓ How does inflation affect your First Nation that should be considered in the fully reformed program?
- ✓ How does population growth contribute to your First Nation's future planning efforts?
- ✓ What considerations are important for your First Nation to meet the demands of a growing population?



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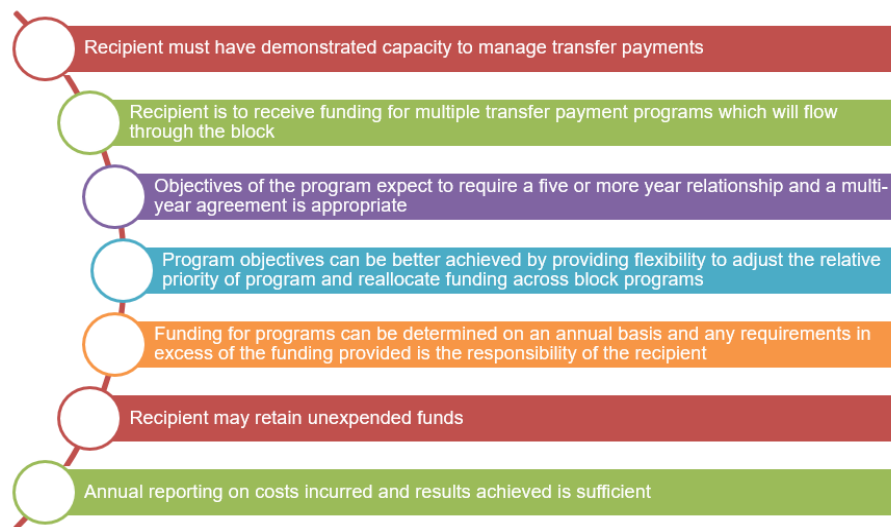


Funding Mechanisms: Block Funding & Flexible Funding

The Government of Canada has several types of arrangements through which it provides funding for the FNCFS program. Agreements for funding arrangements lay out the expected results and requirements attached to the funding. In order to achieve predictability and flexibility of funding, long-term reform outlines a flexible funding approach that will provide First Nations with the ability to allocate funding as they see fit across various streams of the FNCFS Program. There are two mechanisms for funding a reformed FNCFS Program: block and flexible funding. The AFN is currently advocating that new contribution agreements using the terms block and flexible funding be developed to meet standards for Treasury Board Policy on Transfer Payments, but that will better align with the priorities of First Nations and objectives of the reformed funding methodology.

Under block funding, the total budget is determined based on the reformed FNCFS funding approach, which is then transferred as a single multi-year funding block and includes the ability to carry funds forward into the following fiscal year.

Directive on Transfer Payments – Block funding



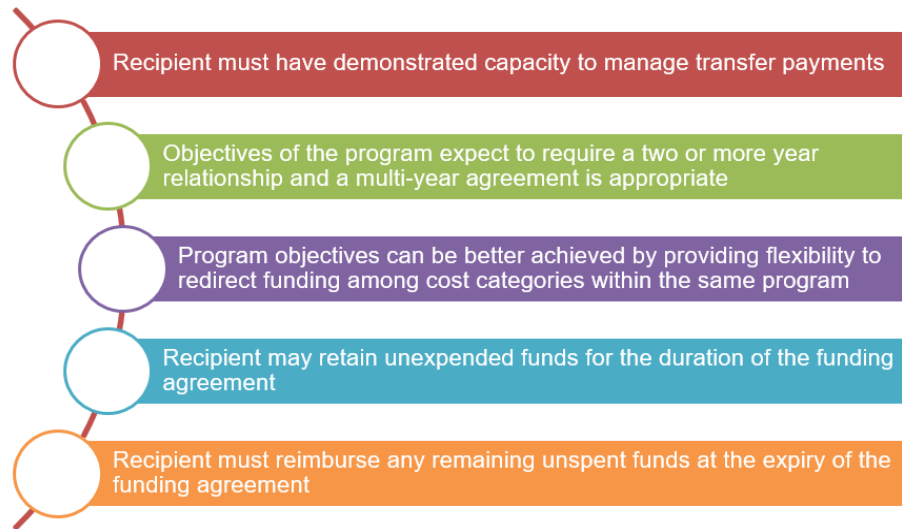
For First Nations that do not yet meet Canada's requirements for block funding, a flexible funding arrangement will be available. Flexible funding is similar to block funding in its ability to transfer funds between budget items but is generally shorter in length, beginning at two-year agreements, and with different reporting requirements. A flexible funding agreement is meant to be a building block towards meeting the eligibility requirements for block funding.



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Directive on Transfer Payments – Flexible funding



Feedback

- ✓ What is required to ensure funding produces results for children and families?
- ✓ What supports are required to support First Nations in transitioning to a different funding model?
- ✓ How might you leverage a flexible funding arrangement to meet the child and family wellness priorities of your First Nation?
- ✓ Are there other funding arrangements that you would like to see offered, such as a grant? A list of current funding arrangements is available in Annex A.
- ✓ Is your current funding approach meeting the needs of children and families?
- ✓ What do you need to meet the needs of children and families in your First Nation?

Prevention Activities & Funding

Prevention activities in the context of FNCFS are broadly defined as activities that address community, family, and child risk factors, and generally build resilience among children, families, and First Nations. Reform of the FNCFS Program aims to address the root causes of involvement with FNCFS through funding to support prevention activities. Under a reformed FNCFS funding approach, prevention will be funded at a rate of \$2,500 per capita on reserve. IFSD costed prevention based on a case study of a FNCFS agency providing prevention services. The per capita amount is based on a case study of K'wak'walat'si Child and Family Services (KCFS), which serves the 'Namgis First Nation and the village of Alert Bay on Cormorant Island off the coast of British Columbia. Since 2007, not a single child in 'Namgis First Nation has been placed in care. This success has been largely credited to the introduction of comprehensive prevention programming.



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In the *Children Back, Land Back: A Follow-Up Report of First Nations Youth In Care Advisors* report by the Assembly of 7 Generations (A7G), First Nations youth-in-care or formerly in care advocacy group, identified that prevention services should include but are not limited to the following:

- Training and resources for parents with children with diverse types of disabilities (learning, visual, physical, illness, etc.)
- Therapy and mental health supports
- Trauma-informed, comprehensive social services
- Peer-to-peer supports
- Kinship Care
- Employment, Trades and Skills Development opportunities
- Safe and proper housing
- Clean water
- Access to food and clothing
- Post-secondary schooling
- Addictions counselling
- Access to land and ceremonies
- Cooking classes
- Daycares and nurseries
- Doulas and midwives
- Coping skills
- Hobbies for children (e.g., swimming classes, dance classes, etc.)
- Access to sports
- Emergency fund for families and youth (e.g., to prevent eviction, respond to family emergencies, etc.)

Best practices in prevention typically involve three levels of services: (1) Primary (Community-centered) prevention; (2) Secondary (Family-centered) prevention; and (3) Tertiary (individual-centered) prevention.

- Primary prevention is a public health approach to educate and provide services to the community in order to promote family wellness and to prevent child maltreatment. Services may include ongoing education around traditional child caring approaches, classes and workshops on family well-being and preservation, and cultural and recreational activities for families and children.
- Secondary prevention services are intended to assist families who are at higher risk of involvement with child and family services. These services are part of the continuum of least disruptive measures and may include: parent mentoring, parenting skills programs, in-home supports, respite care, mental health counselling, mediation of disputes, and more.
- Tertiary prevention involves least disruptive measures for families where a child has been identified as experiencing maltreatment or at high risk for becoming involved with child and family services. Tertiary prevention is also provided to families who have a child in care with the goal of family reunification. Such services may include reducing exposure to intimate partner violence, caregiver capacity enhancement services and individual restorative justice services, among other services.



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Feedback

- ✓ What resources are required (e.g. space, staff, IT etc.) for your First Nations to provide prevention services?
- ✓ What factors should be considered when determining a First Nations population count for the purpose of calculation prevention funds?
- ✓ What method should be used to determine the number of people living on a First Nation for the purpose of calculating prevention funds?
- ✓ What supports does your First Nation require to test new ways of determining population counts if not through established methods such as the Indian Registration System or Census?

Post-Majority Support Services

Post-Majority Support Services (PMSS) provides wrap-around supports that meet the distinct needs of First Nations youth and young adults and promotes and supports holistic positive outcomes. Beginning April 1, 2022, First Nations young adults who reach the age of majority while in care have access to services and supports until their 26th birthday. The expansion of funding for PMSS is intended to support the delivery of voluntary services for youth transitioning out of care into adulthood. Young adults will have access to culturally safe wellness supports, which includes, but is not limited to: life-skills, language, community and cultural connections, harm reduction practices, counselling, mental health, and other programming to support the transition to adulthood. First Nations offering PMSS should pay particular attention to the unique needs of Two-Spirited and LGBTQIA2S+ First Nations youth. To access supports through PMSS, an eligible First Nations youth or young adult will need to connect with their First Nation or FNCFS service provider.

Post-majority services aim to support the safety and well-being of First Nations youth and young adults in an approach that is culturally appropriate, in their self-identified best interest, and provided based on substantive equality. The A7G, *Children Back, Land Back* report states that the decision to formally transition into adulthood must be made in consultation with the youth leaving care, based on their own readiness level. The report emphasizes that supports must be provided to help youth transition into adulthood. The supports they highlighted include, but are not limited to:

- A “social safety net” of community, workers, resources, and supports.
- Safe, appropriate, accessible housing and other infrastructure (water, transportation, etc.) Life skills training and assistance (how to cook, do taxes, access to a social insurance number, getting a drivers’ license and other IDs)
- Financial support, including a Registered Education Savings Plans (RESP) with contributions from the government and financial management education and access to an emergency fund (to tap into when, for example, facing housing instability, family emergencies, etc.)
- Trauma-informed, accessible, and continuous healthcare. It is important that health services, including mental health, sexual health, gender affirming care, and harm reduction care, are not cut



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off once First Nations youth in care transition to adulthood.

- Supporting community and cultural (re)connection, including funding to move to or visit one's First Nation, participate in land-based activities, and spend time with cultural and language mentors
- Support to finish education at both high school and postsecondary levels, without age or time limits.

First Nations can submit a request on actuals for post-majority services and supports delivered by First Nations, either to fund programming being developed by the community to help support those youth and young adults who are eligible for post-majority services, or by funding supports directly to those eligible youth and young adults. First Nations authorized service providers will submit funding requests through the actuals process until March 31, 2023, or such a time that the fully reformed Program is implemented. As work progresses toward the Final Settlement Agreement, the actuals process will come to an end and a new funding methodology will be created based on the Phase 3 work of the IFSD and feedback from First Nations.

| First Nations Child and Family Services (FNCFS) Program— Post-Majority Support Service Delivery Examples | | | |
|---|--|--|--|
| | Type of Provider: | | |
| | First Nation | FNCFS Agency | First Nations-Authorized Service Provider |
| Service Delivery Options | <ul style="list-style-type: none"> • Provide post-majority services directly, individualized and/or by group/community programming; • Provide post-majority services jointly with others (integrated service delivery model), and/or; • Not provide post-majority services directly, authorize service provider to deliver. | <ul style="list-style-type: none"> • Provide post-majority services directly to the First Nations the agency is authorized to serve, and/or; • Provide post-majority services jointly with First Nation or other authorized service providers. | <ul style="list-style-type: none"> • Provide post-majority services directly to the First Nations when authorized to do so, and/or; • Provide post-majority services jointly with First Nation or other service provider as authorized by First Nation to do so. |



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| First Nations Child and Family Services (FNCFS) Program— Post-Majority Support Service Delivery Examples | | | |
|---|---|---|--|
| | Type of Provider: | | |
| | First Nation | FNCFS Agency | First Nations-Authorized Service Provider |
| Narrative Service Delivery Example: | <p>The youth and young adults aging out of FNCFS care are struggling with their mental health, after a community crisis of suicide amongst their peers in care.</p> <p>The First Nations consults with community-based mental health professionals to support the creation and facilitation of a support group specific to those youth and young adults who are affected by trauma. In addition to peer-based support and group work, facilitators can work with youth and young adults individually to provide direct services based on their needs.</p> <p>The First Nation built on the development of this programming to support youth and young adults transitioning from care by hiring a youth coordinator, post-majority services specific navigators, and includes prospective planning for capital projects.</p> | <p>FNCFS agencies already providing care and maintenance services would continue to provide services to the youth and young adults in care after reaching the age of majority to ensure that those individuals thrive into adulthood.</p> <p>The FNCFS agency proceeded to hire two youth coordinators, post-majority services specific navigators, and is developing a plan in collaboration with the First Nation on prospective capital projects to meet the needs of youth and young adults transitioning from care. The FNCFS agency is already providing care and maintenance services to children and youth can build on the transitional supports throughout a young person's care experience that will help support the transition post-majority as their needs change into adulthood.</p> <p>The FNCFS agency would work collaboratively with the First Nation they serve to aid in the development of the First Nation's integrated service delivery model when applicable. This could include the agency continuing with individualized and peer driven services while the First Nation builds on broader cultural, crisis response and life skills programming for young people transitioning from care.</p> | <p>The First Nation identified that the organization serves many of the young people from their community who have transitioned from care and moved to the urban center where the organization is based. The First Nation reaches out to the organization to develop a plan to better serve the needs of youth and young adults who've aged out of FNCFS care and are living outside of the community. The First Nation authorizes the organization to be a service provider of post-majority supports, and the First Nation and organization work together to coordinate their approach to service delivery for young people.</p> |



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Feedback

- ✓ What supports and services are critical to transition youth out of care?
- ✓ First Nations youth who are exiting care may not want to access post-majority services from their FNCFS agency: what are alternative options to ensure that youth can be supported as they transition into adulthood?
- ✓ How can we reach children who have aged out of care to raise awareness about services available to them?
- ✓ How should PMSS services be funded?
- ✓ How should voices of First Nations youth in care and formerly in care be included in reforming the FNCFS Program?

First Nations Representative Services

First Nation Representative Services (also referred to as Band Representative Services in Ontario) supports First Nations to have a voice when children, youth, and families are involved/at risk of involvement with child and family services system. FNRS functions include, but are not limited to:

- ✓ Serve as the main contact between a First Nation and child and family services providers.
- ✓ Exercise the rights and responsibilities of the First Nation under provincial and federal child and family services laws.
- ✓ Ensure that child and family services providers address the real needs of First Nations children, youth, and families, including needs tied to culture, land, and the effects of historical and contemporary disadvantage.
- ✓ Build and maintain meaningful cultural, family, and community connections for children, youth, and families involved with child and family service.
- ✓ Facilitate the repatriation and/or reunification of children and youth in care with their family and First Nation.

Feedback

For Ontario First Nations:

- ✓ What are the wise practices you can share with First Nations looking to implement FNRS?
- ✓ What challenges did you encounter in establishing your FNRS program?
- ✓ What supports were needed in getting established?



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For All First Nations:

- ✓ How should FNRS be funded?
- ✓ How could FNRS support First Nations families?
- ✓ Does your First Nation already provide FNRS? What do you call that service provider and what is their role? How has it been funded?
- ✓ How could FNRS support youth and young adults aging out of care to reconnect with their First Nation or as a type of navigator for service coordination or delivery?

Measuring to Thrive and Results Funding

In the First Nations-led research conducted by the IFSD, results-based funding was identified as a critical way to ensure that the funding provided for FNCFS produces real results for children, families, and communities. In order to inform results funding, the IFSD developed the “Measuring to Thrive” Framework. The framework contains 75 wellness indicators designed to offer First Nations an evidence-based perspective on the wellbeing of children, families, and communities from a holistic standpoint in keeping with the principles of substantive equality, the best interests of the child, and culturally informed practices. The utility of Measuring to Thrive is to help First Nations identify priority areas to focus funding allotments for the greatest impact as well as capturing and analyzing information to generate evidence. Results funding will be allocated as a percentage of the *Baseline* budget to support implementation; the *Results top-up* will be funded at 5% of the *Baseline* budget and can be used to hire staff to capture and manage data related to First Nations wellness using Measuring to Thrive. The intent of Measuring to Thrive is to provide First Nations with a portrait of wellbeing for the people they serve to support enhanced decision-making and eventually, to better inform funding decisions.

Measuring to Thrive is optional, First Nations can choose to use some or all the Measuring to Thrive indicators or chose to use another indicator set all together. The table listing all 75 indicators, outcomes, performance areas, and strategic goals can be found in [Appendix A](#).

Of the 75 Measuring to Thrive indicators (MtT), ISC has proposed the following 11 indicators for reporting on overall FNCFS Program performance to Parliament. The final program reporting indicators have not been finalized; therefore, your input on ISC’s proposed indicators are key to establishing First Nations determination over data for Parliamentary reporting.

| MtT# | Indicators | Detailed indicator explanation |
|------|--------------------------------------|--|
| 1 | Number of serious injuries or deaths | Though rare, serious injuries and deaths are an important indicator to prevent these tragedies from occurring in the future and to evaluate whether the child welfare system is appropriately responding to cases of maltreatment. |



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| MtT# | Indicators | Detailed indicator explanation |
|------|--|--|
| 2 | Recurrence of child protection concerns after ongoing protection services | The recurrence of child protection concerns in a family after ongoing protections services were provided is not only important to protect the well-being of children and prevent chronic abuse; it is also an indicator of how effective child welfare services are at preventing maltreatment. |
| 3 | Child abuse (not sexual) | Children who have been maltreated are at increased risk of recurrence of maltreatment. Research has found that compared to children who had not been previously maltreated, children who had been were nearly six times more likely to experience it again. |
| 4 | Child sexual abuse | Exposure to strong, frequent and/or prolonged adversity, such as chronic abuse, parental substance abuse, or exposure to violence, can elicit a toxic stress response. This type of stress can have a profound effect on the architecture of the developing brain, which can have potentially permanent damaging effects. |
| 5 | Rate of successful family reunification (i.e. no re-entry into care) | A stable and permanent living situation is essential for healthy development and establishing more secure and strong relationships with caregivers, which in turn impact a child's ability to thrive. Research has demonstrated that in general, a child's family is the best way to deliver this environment. |
| 6 | Timeliness of customary care | Unstable placements in foster care, characterized by placement frequency and episodic foster care, have been associated with increased rates of mental health service utilization. |
| 7 | % of children with kinship and/or indigenous families within their community | Compared to foster children, children in kinship care have displayed better outcomes with respect to behavioral development and mental health functioning. |
| 8 | Quality of caregiver and youth relationship | To understand the well-being of children who have been removed from their homes, it is also important to understand the quality of their relationships with their caregivers. Establishing secure, trusting and positive relationships with their caregiver is essential for healthy development, impacting outcomes across the life course. |
| 9 | Regular opportunities for relation connections to community | Stability promotes fewer school changes and thus stronger relationships with peers, as well as more consistent access to community services and activities |
| 10 | Out of home placement rate | While the out of home placement rate is not necessarily a negative indicator, as some children need to be removed from dangerous living situations, at an aggregate level, the out-of-home placement rate can indicate the effectiveness of preventative child welfare services and the well-being of children in the community as a whole. |
| 11 | Number of moves in care | Multiple moves in care are associated with various negative outcomes among children. Instability may elicit a toxic stress response, which can result in developmental delays and behavior problems. In turn, this can propagate a negative cycle of displacement and worsening attachment disorders. |



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In the future, information gathered from Measuring to Thrive may also be used to forecast funding requirements across program streams and across fiscal years. First Nations can use the results from Measuring to Thrive to allocate funding to areas of greater priority. For example, should a community have no children in care, they may wish to reallocate this funding to address other child, family, and community wellness concerns so long as it falls within FNCFS funding.

Feedback

- ✓ How does your First Nation capture information about the wellbeing of children, families, and communities?
- ✓ Please share your feedback on the 11 Measuring to Thrive indicators proposed by ISC.

Information Technology

The IFSD Phase 1 study found that on average FNCFS service providers are not adequately funded for technology when compared to benchmarks for not-for-profit organizations. The study further outlined that the average IT spending of FNCFS agencies is 1.5% of total budgets, or approximately \$3,730 per employee in fiscal year 2017–2018, while most non-profit sectors target IT spending at 4–6% of their total budgets. The risks to agencies experiencing chronic underfunding of IT is not just the loss of productivity but also the risk that other related areas are not adequately supported by agency infrastructure. In order to propel those agencies that are excelling with various uses of technology and to support those that require a refresh, a top up of 6% of a service provider's total baseline budget is incorporated into the FNCFS funding reform methodology.

| A | $B = A \times 5\%$ | $C = A \times 6\%$ |
|--------------------------------|---|--|
| Year 1 Base Funding Allocation | Results Funding Allocation (5% of Base Funding) | IT Funding Allocation (6% of Base Funding) |
| \$ 1,030,099 | \$ 51,505 | \$ 61,806 |

Feedback

- ✓ What are your IT needs and priorities?

Emergency Fund

The FNCFS Program is an essential service and must continue to operate in crisis situations. Emergency situations and their aftermath cause an increased demand on social services and service providers. Unanticipated emergency circumstances could result in increased need for child protection or prevention resources requiring a temporary increase in staffing, emergency shelters, or basic needs for children.



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Current Eligible Emergency-related Expenses (subject to change based on final settlement agreement)

- Equipment to support teleworking for essential staff (computers, cell phones, meeting software)
- Temporary additional human resources to ensure the continuation of essential services due to additional capacity requirements, including overtime
- Supplies for children (e.g. baby formula, diapers, wipes)
- Supports for prevention and cultural workers to modify services to support families to avert crisis
- Childcare for service providers/caregivers
- Communications expenses such as translation
- Emergency food support for families at risk
- Interim emergency assistance to First Nations to assist them with their planning (e.g. specifically to address the evacuation impacts on child and family services).

FNCFS service providers are often called in to provide child and family services related supports during local/regional emergencies. Families may require additional assistance and resources when impacted by flood, forest fire, or another natural disaster that forces a community or part thereof to take shelter outside of their homes, including being evacuated to another location. The ISC Emergency Management Assistance Program is responsible for addressing core concerns surrounding displacement, while Child and Family service providers address issues that could lead to involvement with FNCFS, aiming to keep the children with their families. Such support from the CFS provider may require the provider to arrange and pay for the additional staffing and service requirements. Such a situation would qualify those service providers to access additional emergency funding to support such costs under the FNCFS program.

In addition, Emergency Funds may be used to support a First Nation is responding to social crises that may arise. For example, a First Nation may become aware that several youths have agreed to a suicide pact. Rather than waiting for a response from federal or provincial services providers, the First Nation may access the Emergency Fund to begin providing mental health services or counselling to these youth. The Emergency Fund could also be used to access an addiction outbreak, mental health crisis, or other developing social phenomena.

FNCFS reform includes an emergency fund to support responses to unanticipated circumstances affecting or related to the provision of child and family services using 2% of Baseline funding, which shall be replenished on an annual basis and shall enable carry forward of unexpended funds.

Feedback

- ✓ How has COVID-19 or other emergencies affected your child and family services program? How did you address these needs?
- ✓ How can you build FNCFS services into your community's Emergency planning? What additional support or resources are required to implement that plan as it relates to FNCFS?



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- ✓ Has your First Nation had an emergency not listed above you think should qualify for emergency funding?
- ✓ Has your First Nation had to access emergency funding recently? What funding-related best practices can you share from that experience?

Poverty

Poverty is a complex issue that impacts a community in terms of health and wellness, and other socio-economic outcomes. Poverty and lack of services to support families experiencing poverty is one of the key drivers of First Nations children's involvement with FNCFS and the overrepresentation of First Nations children in child and family service systems. In response to these challenges, a poverty top-up has been included in FNCFS reform, which is meant to address unmet basic needs that could lead to children becoming involved with child and family services (e.g., first and last month's rent, diapers, and other necessities). The top-up for poverty will be calculated based on the difference between the total median household income and the provincial poverty line, which is then multiplied by the number of households on reserve. The resulting amount will then be multiplied by 5% to determine the value of the poverty top-up. The Final Settlement Agreement will establish whether the poverty funding will be disbursed to First Nations or agencies, or a mix thereof.

Feedback

- ✓ How should supports be provided to First Nations families to address issues of poverty and keep families together?

Remoteness and Geography

Remoteness describes the lived circumstances of First Nations for which access by road network, or other means of travel is challenging and must be accounted for in the reformed FNCFS funding formula. Living remotely or in areas of challenging geography has resulted in an increased costs for shipping goods, limited infrastructure, minimal social supports, and has created barriers for travel, recruitment and retention of staff. First Nations living in remote regions also do not have the same needs or cost of living as those residing in more urbanized centers. Therefore, to account for these unique circumstances, a top-up relative to remoteness will be added to the baseline budget.

Feedback

- ✓ What are the specific challenges your First Nation experiences in delivering services to children and families in relation to remoteness and/or geography?
- ✓ Are there other methods of determining remoteness you have used and preferred?



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Capital Assets (FNCFS and Jordan's Principle)

Since the launch of the FNCFS Program in 1991, no funding has existed for major capital expenditures. This means that some FNCFS providers have been waiting decades to have their major capital needs met. In November 2021, the CHRT ordered Canada to fund capital assets to support delivery of the FNCFS Program and Jordan's Principle. Through the 2021 CHRT 41 order, First Nations, FNCFS providers and First Nations-authorized Jordan's Principle service providers can now access funding for the purchase and construction of capital assets on reserve, and for a project needs assessment or feasibility study on and off reserve that supports the delivery of FNCFS or Jordan's Principle, including retroactively for projects that were underway or ready to proceed between August 26, 2021 and January 18, 2022.

With the implementation of the reformed FNCFS Program, ISC will begin funding capital maintenance and replacement and will fund projects supporting the delivery of FNCFS and Jordan's Principle services to children, youth and families on-reserve and in the Yukon. A Capital Maintenance and Recapitalization top-up will ensure that First Nations and service providers have funds available for basic asset maintenance to extend the useable life of their assets. To address capital asset replacement needs, a funding mechanism will be established from which service providers can apply or collaborate with band council or tribal council partners for major capital projects, such as buildings to provide wellness programming. Phase 3 of IFSD's study will be used to refine the allocation to the capital fund, based on capital needs assessment with First Nations and FNCFS agency collaborators. If a service provider rents their facilities or if they are owned/operated by a band council or property manager, the maintenance of the asset is assumed to be at the owner's expense.

Additional information on the implementation of CHRT 41 and how to submit a request can be found on the Indigenous Services Canada [website](#) or by email: chrt41-tcdp41@sac-isc.gc.ca

Feedback

- ✓ What are your capital development needs (e.g. accessible buildings, vehicle fleets, and other infrastructure) in order to support the delivery of Jordan's Principle and child and family services?
- ✓ What are some the challenges your First Nation faces in developing capital assets (e.g., lack of developable land, water supply, difficulty with transport of building materials)? How have you managed those challenges?



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Part 3: Jordan's Principle Reform

Jordan's Principle

The CHRT has pointed to significant and long-standing issues with the Government of Canada's implementation of Jordan's Principle that continue to reinforce inequalities between First Nations children and other children in Canada. While some improvements have been made resulting in over 1.4 million products and services being covered for First Nations children to date, First Nations leadership, Service Coordinators and providers have raised serious concerns with Jordan's Principle implementation, including at regional and national forums and those identified by the First Nations Child and Family Caring Society (Caring Society), such as:

- Wait times for adjudication of requests that extend well beyond the CHRT-ordered timelines, resulting in unacceptable and potentially harmful delays for children.
- Unreasonably high documentation requests and thresholds that go beyond what is needed to adjudicate a request, such as requesting letters of support from multiple professionals without regard to the accessibility of such professionals.
- Inconsistent application of Jordan's Principle across different regions, resulting in disproportionate rates of denials in some regions, and inequitable access to services/products due to variable regional interpretation (i.e., what is approved in one region may not be approved in another).
- The need to support First Nations youth reaching the age of majority and young adults to navigate to and access services, given the significant gaps in health, social and education programs and services available for First Nations adults, including the need to support planning in First Nations to identify and/or provide services for young adults as they age out of Jordan's Principle eligibility.

To address these concerns, the Government of Canada, together with the AFN, Caring Society and other parties to negotiations on the AIP, have designed a "back to basics" approach to Jordan's Principle. This approach aims to address the bureaucratic barriers that have become entrenched in Jordan's Principle and make applying for and accessing services under Jordan's Principle less burdensome for First Nations families. This approach is grounded in feedback that First Nations have provided and is a key first step towards the long-term reform and implementation of Jordan's Principle.

The AIP also identifies a number of other areas for the long-term reform and proper implementation of Jordan's Principle, to be discussed and implemented with the support of First Nations. These are largely based on concerns that First Nations have raised regarding the current implementation of Jordan's Principle. It also reflects the innovative policy reform options that the Jordan's Principle Action Table proposed in 2018 to improve Jordan's Principle, which were supported by the AFN Chiefs-in-Assembly via AFN Resolution 27/2018, *Support for the long-term implementation of Jordan's Principle*. These include:

1. Post-majority Jordan's Principle care and navigation supports for First Nations young adults: exploring how to fund service coordination to support care planning and case management for First Nations youth reaching the age of majority/aging out of Jordan's Principle eligibility to access the continued care and supports they need into adulthood.



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2. Enhancing data quality and capacity: supporting work to understand and improve existing and future data on Jordan's Principle to enable informed decision-making and planning for services and supports.
3. Identifying and closing gaps: examining existing data, services and supports to identify gaps in services for First Nations youth that Jordan's Principle is currently filling and proposing solutions to address these systemic gaps, including community-based services to facilitate access to critical services without needing to apply to Jordan's Principle.
4. First Nations control over Jordan's Principle: discussing how First Nations can take on a greater role in Jordan's Principle where they wish to do so, and what supports are required to enable First Nations to assert jurisdiction and control over Jordan's Principle.

Feedback

- ✓ Does the current level of Service Coordination provided under Jordan's Principle meet the needs of community members? If not, what additional resources would be required?
- ✓ How can Jordan's Principle better support First Nations youth who are reaching the age of majority (i.e., "aging out" of Jordan's Principle)?
- ✓ What resources and supports would your First Nation require to implement post-majority supports if desired, including case management and service navigation? (e.g., human resources, capital/infrastructure, training, data management, etc.)
- ✓ What data collection does your First Nation currently undertake with regard to children and/or Jordan's Principle, if any? What data activities do you plan to or wish to undertake in this regard?
- ✓ What supports and resources would your First Nation require to undertake planning activities related to Jordan's Principle? (e.g., data, data management tools and capacity, training, human resources, infrastructure, etc.)
- ✓ What supports would your First Nation require to enhance community-based services (i.e., those that are offered at the community level without having to apply for Jordan's Principle) to fill gaps in services? (e.g., human resources, capital/infrastructure, networks and professionals, etc.)
- ✓ How could Case Managers, Services Coordinators and specialist services providers be better supported in their roles?
- ✓ What are the critical gaps that Jordan's Principle is filling in your First Nation? (e.g. reducing poverty, chronic health needs, etc.)
- ✓ In an effort to implement community-based services (i.e., those that are offered at the community level without having to apply for Jordan's Principle) to fill gaps in services, what would your First Nation require to support this shift? (e.g., human resources, capital/infrastructure, networks and professionals, etc.)
- ✓ What role does your First Nation want to take in the administration of Jordan's Principle, if any? (e.g., intake of requests, adjudication, payment administration, case management, provincial and territorial engagement)
- ✓ What supports would you require to begin this process? (e.g., human resources, capital/infrastructure, training, data management, legal advice, etc.)



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Part 4: Reform, Review, and Accountability

Reform of Indigenous Services Canada

On March 4, 2022, Canada, the AFN and the Caring Society submitted a joint motion to the Canadian Human Rights Tribunal (CHRT) seeking orders on immediate reforms to the FNCFS Program, Jordan's Principle and ISC. The CHRT has emphasized the need for ISC to eliminate its 'old mindset', as it is a contributing factor that maintains systemic discrimination in the FNCFS Program and Jordan's Principle. Through this process, several crucial departmental reforms have been identified:

- Policy and decision-making structures and processes.
- Cultural norms and attitudes, including response to external critique.
- Human resource policies, procedures, and agreements, including values and ethics, training (including regarding anti-racism, cultural competency and the impact of child and family services discrimination on First Nations families and communities) and other guidance documents.
- Development of organizational competency and capacity to comprehend and respond to evidence-informed evaluations.
- Internal accountability mechanisms.
- Changes to Performance Measurement Agreements to increase accountability and compliance.
- Consideration of proposals for external accountability and evaluation measures.

Feedback

- ✓ What would a reformed ISC department look like to you?
- ✓ How could the reform process be measured to ensure improvement? What should be the indicators of success?
- ✓ What reforms would assist in better access to information, communication and transparency between First Nations and ISC?

Review, Evaluation, and Accountability for Child and Family Services and Jordan's Principle, Including Dispute Resolution

A robust review, evaluation, and accountability mechanism supported by an accessible dispute resolution process is necessary to prevent recurrence of funding-based discrimination or narrow implementations of the reformed FNCFS Program and Jordan's Principle. An example of how this program review, evaluation, and accountability mechanism might look is a system of regional ombuds-like offices to mediate individual complaints about service provision and potential cases of discrimination, as well as disputes between First Nations and ISC. Potentially, these offices could also be mandated to carry out program review and evaluation for purposes of reporting on service and program outcomes to First Nations and the general public. Similar to some provincial and territorial child and youth advocates offices, it may also be desirable for the ombuds-like office to serve as a watchdog for FNCFS and Jordan's Principle and make recommendations, or enforceable orders, to First Nations, FNCFS providers, or ISC for improvements either directly, or through methods of public reporting.



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A system for review, evaluation and accountability has yet to be determined. Your feedback for what such a system could entail provides valuable insight into what First Nations priorities are for ensuring that First Nations have recourse to accountability and methods of ensuring ongoing program and service delivery improvements.

Feedback

- ✓ Does your First Nation use dispute resolution mechanisms? What does this process involve?
- ✓ What should be considered when determining a dispute resolution mechanism for FNCFS and Jordan's Principle? (e.g., a network of regional bodies, national-level mechanism, etc.)
- ✓ What functions should an accountability and resolution mechanism serve (e.g., investigative powers, enforceable orders, mediation, etc.)?
- ✓ Who should oversee the accountability and dispute mechanism process? (e.g., a First Nation, the service provider, or the same agency or organization providing the program and service evaluation like the Secretariat)
- ✓ What are key indicators of success that should be embedded in program and service review and evaluation?

National First Nations-Led Secretariat

The concept of the First Nations-led Secretariat was developed in IFSD's Phase 2 report with the vision of a neutral and independent First Nations-led Secretariat that will be a centre for best practices and operational support. With two main branches of activity: 1) data/evidence and 2) operations and programming, the secretariat could serve as a centre of excellence for First Nations and FNCFS providers. Another function of the First Nations-led Secretariat could be to perform annual evaluations designed to assess the impact of funding reform in the short, medium, and long-term, however the Secretariat mandate will be determined through First Nations input.



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Feedback

- ✓ How could a Secretariat support FNCFS in the following areas?
 - o Program models
 - o Data collection and analysis centre
 - o Capacity building and training support
 - o Other
- ✓ What governance framework could the Secretariat have? Do you have a preference on Regional or National level structures?
- ✓ What type of data should be stored within the Secretariat?
- ✓ How should Secretariat data be collected?
- ✓ What program support and data do you currently have access to?
- ✓ What support is needed by a Secretariat to design and deliver FNCFS programs and services?
- ✓ Through what methods should the Secretariat offer support to First Nations, e.g., workshops, learning opportunities, training, etc.

Part 5: Putting it all Together

We have heard clearly from First Nations leadership that First Nations must be engaged in the work on long-term reform. This workbook has presented an approach to the reform of the FNCFS Services and Jordan's Principle intended to support your engagement sessions by providing information, learning aids, and example questions to encourage dialogue and generate ideas – we hope that it has been helpful. The result of these sessions will be used to inform the AFN's advocacy for a final settlement agreement on long-term reform that reflects First Nations priorities.

To review, these components are:

1. **Baseline budget:** Funding for protection, operations, and maintenance based on the actual cost of providing these services, with annual increases for inflation and population growth.
2. **Block and flexible funding:** Providing First Nations with the flexibility necessary to allocate FNCFS funding based on the needs and priorities of their children, families, and communities.
3. **Prevention:** A set of least disruptive measures addressing the root causes of involvement with FNCFS to ensure that children can remain safely and happily in their family and community.
4. **Post-Majority Support Services:** Providing voluntary services to First Nations youth who are aging out of care or who were formerly in care with the resources and services that they need to successfully transition to living independently up until the age of 26.
5. **First Nations Representative Services:** A First Nation-based service provider ensuring that First Nations have a voice in the care of their children and families involved with child and family services.



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6. **Measuring to Thrive, Results Funding, and IT:** Providing First Nations and service providers with the tools necessary to capture, analyze, and respond to data on the wellbeing of their children and families.
7. **Emergency Fund:** Ensuring that resources are available to respond to increased demand or cost of providing FNCFS during emergency situations.
8. **Poverty:** A funding top-up to address realities associated with poverty, such as basic needs that could cause children and families become involved with child and family services.
9. **Remoteness and geography:** Funding to address the realities of providing services in First Nations living in remote or geographically challenging areas.
10. **Capital:** Provision of child and family services would be impossible without the necessary capital assets (i.e., buildings and vehicles,) to do so, this top up is meant to address the current gaps in capital funding for FNCFS through funding to replace existing assets at the end of their useful life, or funding for new capital assets.
11. **Jordan's Principle:** Reforming the implementation in order to ensure that Jordan's Principle is fully and properly implemented through the "back to basics" approach, which addresses the bureaucratic gaps leading to Jordan's Principle requests or denials, simplifies the application process, and improves current and future data collection standards. Reform of Jordan's Principle also considers what is needed to support youth receiving services under Jordan's Principle past the age of majority.
12. **Reform of ISC:** Addressing institutional-level biases and systemic discrimination to reduce the risk of discrimination reoccurring.
13. **Review, Evaluation, and Accountability:** Developing mechanisms for regular review of the reforms in order to ensure that the Final Settlement Agreement is being properly implemented and to make adjustments when reform measures are not meeting their objectives.
14. **National First Nations-Led Secretariat:** A neutral and independent centre for best practices in FNCFS and operational support. The Secretariat would have two primary functions: 1) FNCFS programming support; and 2) data collection and evidence generation.

Together these components make up the bulk of the proposed reform of the FNCFS Program and Jordan's Principle. Your feedback on any or all of these components, powerfully informs the AFN to advocate for a better future for our children, families, and communities. Ultimately, the vision for long-term reform is to empower First Nations to define, implement, and govern child and family services in order to enable future generations to thrive and be connected to the land, their families, and their communities.

In closing, the AFN looks forward to receiving your feedback and to continuing to work together on this incredibly important work.

"The light is beginning to shine – to light our way forward. We cannot turn back or stand still – generations are depending on us to go forward." – Elder Donald Horne of Kahnawake First Nation to the National Policy Review (2000).



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Appendix

A: Measuring to Thrive (MtT) Indicators

| Measuring to Thrive Indicators | | | | |
|--------------------------------|---|--|---|---|
| MtT # | Strategic Objective: what we seek to create with our programs and services. | Performance Area: a category or focus area of program and services | Outcomes: the desired goal of our programs and services. | Indicator: something we can count or measure over time to indicate performance. |
| 1 | Child and youth well-being | Safety | Children are free from severe physical danger and harm | Number of serious injuries or deaths |
| 2 | Child and youth well-being | Safety | Children are free from severe physical danger and harm | Recurrence of child protection concerns after ongoing protection services |
| 3 | Child and youth well-being | Safety | Children are free from severe physical danger and harm | Child abuse (not sexual) |
| 4 | Child and youth well-being | Safety | Children are free from severe physical danger and harm | Child Sexual abuse |
| 5 | Child and youth well-being | Safety | Children are connected to their families and Indigenous communities | Rate of successful family reunification |
| 6 | Child and youth well-being | Safety | Children are connected to their families and Indigenous communities | Timeliness of customary care |
| 7 | Child and youth well-being | Safety | Children are connected to their families and Indigenous communities | % of children with kin and/or indigenous families within their community |



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| Measuring to Thrive Indicators | | | | |
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| MtT # | Strategic Objective: what we seek to create with our programs and services. | Performance Area: a category or focus area of program and services | Outcomes: the desired goal of our programs and services. | Indicator: something we can count or measure over time to indicate performance. |
| 8 | Child and youth well-being | Safety | Children are connected to their families and Indigenous communities | Quality of caregiver and youth relationship |
| 9 | Child and youth well-being | Safety | Children are connected to their families and Indigenous communities | Regular opportunities for relation connections to community |
| 10 | Child and youth well-being | Safety | Children are connected to their families and Indigenous communities | Out of home placement rate |
| 11 | Child and youth well-being | Safety | Children are connected to their families and Indigenous communities | Number of moves in care |
| 12 | Child and youth well-being | Cognitive development | Children and youth exhibit positive attitudes toward learning and are supported in their educational development | % children (0-5) participating in funding early childhood education programming |
| 13 | Child and youth well-being | Cognitive development | Children and youth exhibit positive attitudes toward learning and are supported in their educational development | % children (0-5) achieving basic numeracy and literacy targets |



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| Measuring to Thrive Indicators | | | | |
|--------------------------------|---|--|--|---|
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| 14 | Child and youth well-being | Cognitive development | Children and youth exhibit positive attitudes toward learning and are supported in their educational development | % of children exhibiting positive attitudes towards learning |
| 15 | Child and youth well-being | Cognitive development | Children and youth exhibit positive attitudes toward learning and are supported in their educational development | % children (6-14) achieving basic numeracy and literacy targets |
| 16 | Child and youth well-being | Cognitive development | Children and youth exhibit positive attitudes toward learning and are supported in their educational development | % children (6-13) exhibiting positive attitudes towards learning |
| 17 | Child and youth well-being | Cognitive development | Children and youth exhibit positive attitudes toward learning and are supported in their educational development | % of youth (6-13) able to access elementary school education in their community |
| 18 | Child and youth well-being | Cognitive development | Children and youth exhibit positive attitudes toward learning and are supported in their educational development | % of youth (14-18) able to access high school education in their Community |



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| Measuring to Thrive Indicators | | | | |
|--------------------------------|---|--|---|--|
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| 19 | Child and youth well-being | Cognitive development | Children and youth exhibit positive attitudes toward learning and are supported in their educational development | % of children/youth reporting parental engagement in learning/education |
| 20 | Child and youth well-being | Cognitive development | Children and youth exhibit positive attitudes toward learning and are supported in their educational development | % of youth (14-18) who intend to pursue post-secondary education |
| 21 | Child and youth well-being | Social relationships | Children and youth develop positive relationships with family and friends and are connected to their Indigenous communities | Percentage of youth reporting positive relationships with parent or caregiver |
| 22 | Child and youth well-being | Social relationships | Children and youth develop positive relationships with family and friends and are connected to their Indigenous communities | Percentage of youth reporting positive relationships with siblings, extended family and/or friends |
| 23 | Child and youth well-being | Social relationships | Children and youth develop positive relationships with family and friends and are connected to their Indigenous communities | Percentage of youth reporting ties to elders in the community |



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| 24 | Child and youth well-being | Social relationships | Children and youth develop positive relationships with family and friends and are connected to their Indigenous communities | Percentage of youth participating in extracurricular activities within the community |
| 25 | Child and youth well-being | Emotional, cultural and spiritual well-being | Children and youth are mentally and socially well | Percentage of children/youth exhibiting chronic concerning behaviours |
| 26 | Child and youth well-being | Emotional, cultural and spiritual well-being | Children and youth are mentally and socially well | Percentage of children/youth exhibiting prosocial behaviour |
| 27 | Child and youth well-being | Emotional, cultural and spiritual well-being | Children and youth are mentally and socially well | Percentage of children/youth reporting mental health problems |
| 28 | Child and youth well-being | Emotional, cultural and spiritual well-being | Children and youth are mentally and socially well | Percentage of children/youth reporting happiness |
| 29 | Child and youth well-being | Emotional, cultural and spiritual well-being | Children and youth are mentally and socially well | Percentage of children/youth reporting belonging to community |
| 30 | Child and youth well-being | Emotional, cultural and spiritual well-being | Children and youth are connected to land, culture, and tradition | Percentage of children/youth reporting pride in Indigenous identity |
| 31 | Child and youth well-being | Emotional, cultural and spiritual well-being | Children and youth are connected to land, culture, and tradition | Percentage of children/youth reporting sense of connection to land |



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| 32 | Child and youth well-being | Emotional, cultural and spiritual well-being | Children and youth are connected to land, culture, and tradition | Percentage of children/youth reporting participation in spiritual practices and traditional ceremonies |
| 33 | Child and youth well-being | Emotional, cultural and spiritual well-being | Children and youth are connected to land, culture, and tradition | Percentage of children reporting knowledge of Indigenous language(s) |
| 34 | Child and youth well-being | Emotional, cultural and spiritual well-being | Children and youth are connected to land, culture, and tradition | Percentage of children/youth reporting eating traditional foods |
| 35 | Child and youth well-being | Physical health and wellbeing | Children and youth are physically well | Percentage of children/youth living with disability or chronic illness |
| 36 | Child and youth well-being | Physical health and wellbeing | Children and youth are physically well | Percentage of children/youth reporting healthy eating habits |
| 37 | Child and youth well-being | Physical health and wellbeing | Children and youth are physically well | Percentage of children/youth reporting regular physical activity |
| 38 | Child and youth well-being | Physical health and wellbeing | Children and youth are physically well | Percentage of children/youth reporting healthy sleep habits |
| 39 | Child and youth well-being | Physical health and wellbeing | Youth exhibit regular positive decision-making | Percentage of teenage births |



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| Measuring to Thrive Indicators | | | | |
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| 40 | Child and youth well-being | Physical health and wellbeing | Youth exhibit regular positive decision-making | Percentage of youth who reported using illicit drugs in the past month |
| 41 | Child and youth well-being | Physical health and wellbeing | Youth exhibit regular positive decision-making | Percentage of youth who reported gambling in the past month |
| 42 | Child and youth well-being | Physical health and wellbeing | Youth exhibit regular positive decision-making | Percentage of youth who reported smoking in the past month |
| 43 | Family well-being | Wellness and social engagement | Families have the money they need to live | Percentage of families reporting livable income to meet needs |
| 44 | Family well-being | Wellness and social engagement | Families exhibit social wellness | Percentage of families reporting feelings of empowerment and resilience |
| 45 | Family well-being | Wellness and social engagement | Families exhibit social wellness | Percentage of families demonstrating social engagement through participation in cultural traditions, teachings and ceremonies |
| 46 | Family well-being | Wellness and social engagement | Families exhibit social wellness | Percentage of families reporting incidents of family violence |
| 47 | Family well-being | Wellness and social engagement | Families exhibit social wellness | Percentage of families reporting substance misuse |
| 48 | Family well-being | Wellness and social engagement | Families exhibit social wellness | Percentage of families reporting problematic gambling |



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| 49 | Community well-being | Basic needs | Households have basic needs | Percentage of households with drinking water flowing from tap for consumption, bathing and other uses |
| 50 | Community well-being | Basic needs | Households have basic needs | Percentage of households reporting food sovereignty |
| 51 | Community well-being | Basic needs | Households have basic needs | Percentage of homes in need of major repairs |
| 52 | Community well-being | Basic needs | Households have basic needs | Percentage of suitable homes |
| 53 | Community well-being | Basic needs | Households have basic needs | Percentage of households with internet connectivity |
| 54 | Community well-being | Basic needs | Households have basic needs | Percentage of households below the provincial poverty line |
| 55 | Community well-being | Basic needs | Households have basic needs | Community employment rate |
| 56 | Community well-being | Community services and engagement | Communities offer services and space in support of well-being | Presence of community space for gathering (Y/N) |
| 57 | Community well-being | Community services and engagement | Communities offer services and space in support of well-being | Community activities contribute to the development of capable human beings through cultural teachings, traditions, and values (Y/N) |



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| 58 | Community well-being | Community services and engagement | Communities offer services and space in support of well-being | Percentage of community spaces with free public wifi |
| 59 | Community well-being | Community services and engagement | Communities offer services and space in support of well-being | Community offers and controls health services (Y/N) |
| 60 | Community well-being | Community services and engagement | Communities offer services and space in support of well-being | Community offers and controls social services (Y/N) |
| 61 | Community well-being | Community services and engagement | Communities offer services and space in support of well-being | Community offers and controls elder services (Y/N) |
| 62 | Community well-being | Community services and engagement | Communities offer services and space in support of well-being | Community service providers collaborate and connect for improved service delivery (Y/N) |
| 63 | Community well-being | Community services and engagement | Communities offer services and space in support of well-being | Percentage of community benefitting from affordable and reliable transportation |
| 64 | Community well-being | Community services and engagement | Community is financially independent | Community is under third-party management (Y/N) |
| 65 | Community well-being | Community services and engagement | Community is financially independent | Community's risk rating |
| 66 | Community well-being | Wellness | Community exhibits wellness | Rates of reported suicide attempts |



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| 67 | Community well-being | Wellness | Community exhibits wellness | Rates of reported substance misuse |
| 68 | Community well-being | Wellness | Community exhibits wellness | Rates of problematic gambling |
| 69 | Community well-being | Wellness | Community exhibits wellness | Rates of reported heavy drinking |
| 70 | Community well-being | Wellness | Community exhibits wellness | Rates of chronic health conditions |
| 71 | Community well-being | Wellness | Community exhibits wellness | Rates of violent crime |
| 72 | Community well-being | Education | Community supports and offers education | Community offers and controls secondary school education |
| 73 | Community well-being | Education | Community supports and offers education | Community offers and controls secondary school education |
| 74 | Community well-being | Education | Community supports and offers education | Rates of high school graduation |
| 75 | Community well-being | Education | Community supports and offers education | Rates of completed post-secondary education |