

At a Crossroads: The Roadmap from Fiscal Discrimination to Equity in Indigenous Child Welfare **RCY Annual Review Year 1**

Summary: The Representative's report *At a Crossroads: The Roadmap from Fiscal Discrimination to Equity in Indigenous Child Welfare* was released on March 29, 2022 and included three recommendations directed at the Ministry of Children and Family Development (MCFD):

- Adopting the Canadian Human Rights Tribunal principles of funding to provide appropriate financial resources that are culturally based and needs based for all First Nations, Métis, Inuit and Urban Indigenous children living off-reserve,
- that MCFD update its ministry-specific fiscal management tools to align public funds for First Nations, Métis, Inuit and Urban Indigenous children,
- and that MCFD incorporate the Grandmother Perspective in relation to data collected and distributed.

The recommendations included in this report identified short-term actions necessary to ensure that Urban Indigenous children are treated equitably by updating fiscal management tools and collecting disaggregated race-based data. These recommendations were made in support of the Canadian Human Rights Tribunal principles of funding and the Declaration Act Action Plan in an attempt to stop urban Indigenous children from falling even further behind. Collecting disaggregated data between First Nations, Métis, Inuit and Urban Indigenous peoples and non-Indigenous children and families is essential to support the understanding of the realities and consequences of funding inequities.

More than one year after the release of the *At a Crossroads* report, the Representative is concerned to see that the government has made no progress and has reported they will not be implementing her recommendations despite the Minister's commitment to ensuring equitable, effective funding to support Indigenous children, youth and families, both on and off reserve, following the release of the report. MCFD has reported their fiscal management will remain "status quo funding" while they wait to determine if the principles of the CHRT apply off-reserve to child and family services delivered by MCFD – in the meantime, these children continue to suffer the consequences of inequitable and ineffective funding. Further, work underway on longer term change for a new MCFD Fiscal Framework (Recommendation 4.16 in the Declaration Act Action Plan) and interim coordination agreements with Nations have been withheld from the Representative, citing confidentiality. While MCFD has stated that they will work collaboratively with Nations to identify and provide options on short and long-term fiscal arrangements that may support First Nations title and rights holders in BC to fully benefit from the recognition-based approach, they are silent on the current inequity and discrimination faced by the Indigenous children currently in their care – these children cannot wait for the resumption of jurisdiction to receive the same culturally-based and needs-based funding now afforded to their relatives on reserve.

RCY Assessment Definitions:

- **Complete** = All activities that directly support the implementation of the recommendation are complete
- **Substantial Progress** = Most of the activities that directly support the implementation of the recommendation are complete
- **Some Progress** = Some of the activities that directly support the implementation of the recommendation are complete

- **No Progress** = None of the activities that directly support the implementation of the recommendation are complete (pre-planning may be underway but there has been no progress in formal planning or implementation).

Date Published: March 4, 2024

Recommendation	
#1	<p>Funding Models:</p> <p>(A) That MCFD, as lead ministry, seek and secure from government the authority and budget capacity to adopt the Canadian Human Rights Tribunal principles of funding and provide appropriate financial resources that allow for revised funding models that are culturally based and needs-based, provide for substantive equality for all First Nations, Métis, Inuit and Urban Indigenous children living off-reserve and prioritise culturally based community wellness and prevention services.</p> <p>New Canadian Human Rights Tribunal ruling-based funding model to be developed by April 1, 2023, and implemented by April 1, 2024.</p> <p>(B) As part of such revision, and in relation to the 84 First Nations that are unaffiliated with an ICFS Agency, MCFD, in partnership with the 84 unaffiliated First Nations rights holders, negotiate a clearly identifiable distribution of funding transferred from Indigenous Services Canada, inclusive of any funds associated with the Canadian Human Rights Tribunal, with the goal of making transparent the flow of funding from Indigenous Services Canada through MCFD to First Nations.</p> <p>Transparent and accountable transfer of funding from Indigenous Services Canada through MCFD to the 84 unaffiliated First Nations to be complete by April 1, 2023.</p>
Ministry's Response	RCY Assessment
Year 1 Evidence – Received April 2023	Year 1 Assessment
<p>MCFD's year one report indicates that the ministry will not be implementing the Representative's recommendation and instead are committed to a multi-year process for long-term reform through the Tripartite First Nations Children and Families Working Group (TWG). They have reported that the group was formed in 2016 and that the collaborative development of a fiscal framework has been a priority since its formation.</p> <p>In 2019, an initial Fiscal Relations Subcommittee was created to explore and develop a funding model applicable to First Nations child and family well-being in BC that adopts the principle of long-term sustainable needs-based funding to support jurisdiction and improved long-term outcomes for children, youth and families. In 2022, a Fiscal Framework Development Team was formed which replaced the Fiscal Relations Subcommittee to continue this work. MCFD's year one report includes no details of the table discussion citing confidentiality and no evidence of how the table will address substantive equality for all First Nations, Métis, Inuit and Urban Indigenous children living off-reserve.</p>	<p>No Progress</p> <p>Whilst MCFD does appear to be in some discussions with Indigenous rights holders about a future transformation of the funding model, as well as long-term and sustainable needs-based funding to support jurisdiction and improved long-term outcomes for children, youth and families, MCFD has provided no action plans or evidence in their year one update, of plans to address fiscal discrimination of the <i>current</i> funding model.</p> <p>The Representative is deeply concerned to see that MCFD has not accepted her recommendation to develop a ruling-based funding model that adopts the CHRT principles, even in the short term, while this transformational work takes place. Instead, MCFD reports that their current fiscal management remains "status quo funding" pending the work of the transformation.</p> <p>The Representative has met with MCFD, First Nation Leadership Council, Indigenous Right Holders and Indigenous Child and Family Service agencies regularly since the release of <i>At a Crossroads</i> and</p>

<p>MCFD reported that they have begun to work with Indigenous Services Canada to increase accountability and transparency of the Service Level Agreement as requested by the FNLC in Fall 2022. This includes a discussion paper, <i>Developing A New Funding Model And Approach For BC First Nations Children & Families</i> (November 2022), that describes the current context of the existing funding model in BC, describes and seeks input to some of the key aspects and considerations involved in developing a new funding model for First Nations child and family jurisdiction and services in BC, and outlines a process for consultation and cooperation.</p>	<p>continues to hear and see the need for immediate action – and her recommendation is now overdue.</p>
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Recommendation	
<p>#2</p>	<p>Fiscal Governance:</p> <p>That MCFD update its ministry-specific fiscal management tools and reporting practices in order to align public funds allocated to First Nations, Métis, Inuit and Urban Indigenous child welfare to stated spending objectives and declared government and ministry priorities as stated in the <i>Draft Principles that Guide the Province of British Columbia’s Relationship with Indigenous Peoples</i>, in particular, 4.3 which states “<i>putting in place effective mechanisms to support the transition away from colonial systems of administration and governance.</i>”</p> <p>MCFD to update its fiscal tools and reporting practices by April 1, 2023.</p>
Ministry’s Response	RCY Assessment
Year 1 Evidence – Received April 2023	Year 1 Assessment
<p>MCFD’s year one report indicates that the ministry will not be implementing the Representative’s recommendation to align public funds allocated to First Nations, Métis, Inuit and Urban Indigenous child welfare to stated spending objectives and declared government and ministry priorities as stated in the <i>Draft Principles that Guide the Province of British Columbia’s Relationship with Indigenous Peoples</i>, at this time. Instead MCFD will create fiscal management tools and reporting tools to operationalise the fiscal framework developed with the Tripartite Working Group and future funding models for Indigenous child welfare service providers, including Indigenous Child and Family Service Agencies at a later date, yet to be determined.</p>	<p>No Progress</p> <p>Whilst MCFD does commit to work underway with the TWG and the future development of ministry-specific fiscal management tools and reporting practices required for a transformation of the funding model, MCFD has provided no action plans or evidence in their year one update of plans to improve transparency and alignment of public funds allocated to First Nations, Métis, Inuit and Urban Indigenous child welfare to stated spending objectives and declared government and ministry priorities as stated in the <i>Draft Principles that Guide the Province of British Columbia’s Relationship with Indigenous Peoples</i>.</p>

<p>In the interim, MCFD has reported that they are currently developing and implementing their new service frameworks with identified outcomes that reflect Ministry priorities and utilise updated contract and financial management processes, and that enhanced IMIT systems will enable improved reporting that will inform the development of fiscal management and reporting tools relating to the provision of child welfare services to Indigenous children and families. The timeline and implementation of this work is yet to be determined.</p>	<p>The Representative is deeply concerned to see that MCFD has not accepted her recommendation to update its ministry-specific fiscal management tools and reporting practices, even in the short term, while this transformational work takes place. Instead, MCFD reports that their current fiscal management priority is focused on their own service frameworks.</p> <p>The Representative has met with MCFD, First Nation Leadership Council, Indigenous Right Holders and Indigenous Child and Family Service agencies regularly since the release of <i>At a Crossroads</i> and continues to hear and see the need for immediate action – and her recommendation is now overdue.</p>
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Recommendation	
#3	<p>That MCFD incorporate <i>The Grandmother Perspective</i> in relation to the data it collects, as described in the Office of the Human Rights Commissioner’s 2020 report on disaggregated data collection, in order to collect disaggregated race-based data to understand the diverse and greater needs of the First Nations, Métis, Inuit and Urban Indigenous populations it serves. Specific data to be collected should include needs-based data to define the services and supports that are needed, finance and contract data on how funding was deployed, and outcome data. The purpose of such data collection, which should align with forthcoming provincial anti-racism data legislation, is to reduce and ultimately eliminate fiscal discrimination against First Nations, Métis, Inuit and Urban Indigenous children, youth and families, and achieve equity in funding and services for them. Such data collection should be done with the meaningful and respectful involvement of the communities affected.</p> <p>MCFD to begin collecting disaggregated race-based data by April 1, 2023.</p>
Ministry’s Response	RCY Assessment
Year 1 Evidence – Received April 2023	Year 1 Assessment
<p>MCFD’s year one report indicates that the ministry will not be incorporating <i>The Grandmother Perspective</i> in relation to the data it collects, specifically needs-based data to define the services and supports that are needed by First Nations, Métis, Inuit and Urban Indigenous populations it serves, finance and contract data on how funding was deployed, and outcome data, based on feedback from Indigenous peoples and other racialized communities on the <i>Anti-Racism Data Act</i>. The ministry reports that BIPOC groups have responded to say that it is not recommended that all ministries or programs begin new data collection activities at service</p>	<p>No Progress</p> <p>The Representative has reviewed the year one evidence from the ministry and respects the need for a consistent and coordinated approach to anti-racism data standards prior to implementation given the ongoing acts of systemic violence and discrimination faced by Indigenous peoples and other racialized communities in BC. However, as noted in <i>The Grandmother Perspective</i> government must balance taking time to listen and build trust against the reality that inadequate</p>

interactions. Instead, MCFD will be part of CITZ-led coordinated approach to create anti-racism data standards across government that ensure consistency in data standards and enable cross-ministry collaboration.

In the interim, MCFD has reported that they are taking several steps to improve the quality of their current practice and collection of race-based data using established and long-standing ethnicity data standards from Statistics Canada, Canadian Institute for Health Information (CIHI), and other identified data leaders. In addition, the ministry is in the initiation stages of developing an analytics framework to inventory, analyse and organize an approach to analytics to become an 'insight-driven' organization. This work will provide the foundation for the systematic prioritisation and development of collection plans for key disaggregated data that is not currently available.

data results in ongoing systemic harm. The Representative is concerned this generation of children will not see the benefits of this landmark legislation due to ongoing "silences in data".

The Representative acknowledges that MCFD is moving forward with plans to address their current data collection practice and information management systems to identify opportunities for improvement however, she is concerned that the action planning to date and evidence provided does not include reference to or the inclusion of *The Grandmother Perspective* in relation to the data it collects, as recommended by the Representative. To ensure needs-based data collection, fiscal transparency, and outcome data are recognized priorities for this work, the Representative will be monitoring the development of the analytics framework and work to raise awareness about the importance of quality disaggregated data for reducing and ultimately eliminating fiscal discrimination against First Nations, Métis, Inuit and Urban Indigenous children, youth and families, and achieving equity in funding and services for them.

As MCFD's analytic framework is still in early stages, and BC's anti-racism data standards have yet to be developed, the Representative has seen no progress towards implementation in the evidence provided.