

# The Consequences of "Benevolent" Colonial Powers and Structural Inequities in the Implementation of Jordan's Principle in Manitoba



# Faculty/Presenter Disclosure

- In the past 24 months, Vandna Sinha had no relevant financial relationships with the manufacturer(s) of commercial services discussed in this CME activity
- I do not intend to discuss an unapproved/investigative use of a commercial product/device in my presentation.
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# Jordan's Principle

- Legal principle requires the government of Canada to:
  - Address gaps in services for First Nation children
  - Ensure timely services that meet the needs of First Nation children
  - Ensure services do not compound historical disadvantage
- Initial intent: to ensure that First Nation children did not experience denials, delays, or disruptions in services
  - Resulting from the complicated framework for services to First Nation people
- Named in honor of Jordan River Anderson, from Norway House Cree Nation in Manitoba

# Jordan's Principle

- Starting in 2016, a series of Canadian Human Rights Tribunal (CHRT) rulings expanded the interpretation of Jordan's Principle.
  - Broadly defined Jordan's Principle eligibility
  - Required the federal government to fund services/equipment extending beyond provincial standards to meet First Nations children's needs
  - Imposed strict timelines for responding to requests for funding/services.
  - Required the federal government to revise its approach and radically expand funding
- First Nations children's lives profoundly affected by colonial power relations, structural inequities, and structural violence
  - Harm done by 'benevolent' health, education, and child welfare systems
- Dominant, individualistic approaches have not produced equitable opportunities or outcomes for First Nation children

# Jordan's Principle in Manitoba

- Successful interventions must be planned, designed and controlled by First Nations
  - Uphold rights to self-determination
  - Reflect their knowledge systems, values and lived realities
  - Take a systemic approach
  - Take a holistic approach
- Manitoba model
  - Specialized Service Providers (SSPs) – provide allied and mental health services to First Nations across the province
  - Jordan's Principle case managers – lead development, management and coordination of Jordan's Principle funded services in each Nation
  - Jordan's Principle service coordinators and off reserve case managers – help off reserve families navigate existing services and access Jordan's Principle

Methods of Data Collection	Sources of Data
Document review	Publicly available policy documents, presentations, reports and research summaries
	Internal documents provided by the AMC
	Prior research
Individual/ group interviews and focus groups	Interviews/consultations with Nation and regional level service coordinators, case managers, administrators and policy specialists (N=35)
	Five focus groups and three interviews with 24 front line service providers
Participant observation	Technical Advisory Group (TAG) meetings for case managers and other key stakeholders
Administrative data	National and regional level data
Survey data	Case Manager, Health Director, and Education Director perspectives on access to services
Case Studies	Details of Jordan's Principle services and implementation processes in two First Nations

- Study of the implementation of Jordan's Principle in Manitoba
- Partnership with Assembly of Manitoba Chiefs (AMC)
- CHRT ordered funding: to support consideration of systemic remedies in *Sumner-Pruden v. Canada*
- Interdisciplinary research team
- Advisory Committee
  - Case managers across Tribal Councils and language groups
  - Ongoing meetings to discuss interpretation & framing of emerging findings
- Regular presentations to the Technical Advisory Group
- Verification of contextualized quotations

# A relational approach

“Deep healing work” to increase “First Nation communities, families and children’s access to and engagement in health, education and social services and supports, especially with families that have experienced trauma associated with histories of difficulty accessing services inappropriate or damaging services, and inter-generational policies of cultural genocide such as residential schools and contemporary CFS [Child and Family Services]”.

- A relational perspective on children’s health includes:
  - Physical, socio-emotional, cultural, and spiritual dimensions
  - Attention to broader historical, socio-cultural and economic contextual factors
  - Strengths based approach focused on well-being
  - Time (re)building long-term trusting relationships with families, Elders, Knowledge Keepers and Nations’ leadership
  - Information, supports and services can be inclusive of and responsive to local knowledges and values and family’s self-identified priorities and lived realities.
- Relational approaches are context-specific and time-intensive

# Structural challenges

The relational approach to Jordan's Principle services in Manitoba is undermined by complex structural factors





# High caseloads and growing waiting lists

“There are only two [SSPs] and we currently have 1,000 referrals. So, it's not enough time... because the travel, it's remote access and the time it takes to get there and establish yourself and the unpredictability of school might not be open because there's no teacher, or there's no water... So there does seem to be a big-time crunch when we are there - it's go, go, go, go ... I find it high pressure and not enough time to do the things that we want to do.”

- Growth in caseloads
  - 150% to 425% caseload increase for 4 SSPs between 2017-18 and 2019-20
- Emergence of waitlists
  - 2 SSPs with waitlists = 50% of caseload
- Reflects the success of a relational approach
- Undermines the ability to sustain a relational approach
  - Limits service providers' time building relationships and being in community
  - Limits time for collaboration with other service providers and ability to ensure continuity of care
- Compromises initial goal of timely services

# Complex responsibilities, stress and staff turnover

“I basically just oversee everything and I’m on call all the time. So, I take any client messages and phone calls during the day and after hours.”

- Case manager responsibilities can include:
  - developing and administering services across
    - Health
    - Education
    - Social services
  - Building and maintaining relationships with:
    - Families
    - Nation leadership
    - Other service providers
    - Jordan’s Principle workers and administrators
  - Recruiting, hiring, and managing:
    - Respite care workers
    - Child development workers
    - Educational assistants
    - Other staff
  - Working directly with children and families whose needs can require extensive knowledge of highly specialized supports and services.

# Administrative burden

- Requests for services/supports provided at the community level assessed and administered by First Nations
- Requests for dental care, medical equipment, educational supports, housing assessed and administered by federal government
  - Sometimes heavy administrative requirements
    - Letters of support
    - Assessments
    - Substantive equality justification
    - Cost estimate/quote
  - Creates delays in services
  - Worse when decisions are made at 'National'
- Recent changes eliminate much of this burden
  - Introduce new concerns about discretionary decisions and off-loading of costs/responsibilities onto Jordan's Principle

# Inadequate physical infrastructure

“One of the things that we've been asking for, for a long time is our own space, our own building...having our own place where people can go to and they're not pushed out of it, they're not rushed through it. They're not turned away from it. But they can come there with their kids, they can be there if they need to be ... There's a room for kids to play in, there's a kitchen for us to teach cooking or provide food for families. There's assessment space ... Families do not want child development workers and therapists coming to their house ... They want to be able to go somewhere and have the appointment, learn what they need to learn, and then take it back to their house.”

- Inadequate space for Jordan's Principle services
  - Group activity space
  - Individual therapy & meeting space
  - Secure space for files
  - Office space and housing for visiting workers
  - Collaboration space
  - Out-of-home respite space
  - Space for ceremony and land-based programs
- CHRT ordered funding for buildings
  - Funds for planning only if proposal deemed inadequate
  - No coordinated technical support
- Water problems and housing shortages
  - Service providers cannot meet the needs of children who lack clean water or adequate housing

# Inadequate digital infrastructure

“If all the communities could have really good Internet, that would be great. Internet access is a huge, obviously, over the past year, has been a huge challenge in providing better virtual services. That being said, the one thing that we’ve learned is that for the few kids that we have been able to connect with virtually is that this is an option to fill in between visits as well. Being able to provide those virtual kinds of appointments in between our four to six, sometimes eight-week visits. So, communities need and deserve Internet access.”

- Lessons of COVID – on-line services and digital check-ins can effectively *supplement* in-person services
  - Particularly in remote Nations and times of emergency
  - Support sustaining/deepening relationships
- Many Nations lack stable, and affordable cell phone, internet or telehealth connectivity
  - Goal: connectivity for *every household*
  - Connectivity is a social determinant of health
- Some efforts to increase connectivity have not engaged First Nations; other, First Nation led initiatives have lacked sufficient funding

# Insufficient resources for capacity enhancement

“When Jordan’s Principle was first rolling out, there was a lot of initial training offered for Case Managers and child development workers, and coming together with the specialized service providers and helping them understand what each of the different programs could offer and how they could work with their community... [Now,] I don’t know that the new Case Managers get that information clearly.”

- Minimal onboarding/initial training for case managers
- Short-term, complex funding for capacity enhancement
  - Cobbled together funding
  - Does not necessarily extend to all Nations
  - Uncertainty
- Needed
  - Long term funding
  - Opportunities for all Nations
  - Diverse programs
    - Support for attaining western degrees/credentials
    - Training/education grounded in First Nations perspectives/world views
    - Supporting First Nations in taking administrative/managerial/research/policy roles
    - Construction crews with specialized skills for adapting housing, etc

# Insufficient Regional Coordination & Support

- First Nations led regional infrastructure needed to support equity in services
  - Data collection and data sharing tools
  - Policies and promising practices
  - Systems of collaboration and coordination
  - Technical support
  - Definition of a baseline of services
  - Coordination of capacity enhancement
- Limited, inconsistent, and discretionary federal funding to support this work

# Changing policy & practice

- Factor time for relational work into job descriptions, assessment and reporting of workload, and plans for staffing
- Engage with Nation and regional leadership, to support their efforts to coordinate and support development of Indigenous-led services
- Work with Indigenous Nations, groups, and leadership to support, create, and prioritize Indigenous capacity enhancement. In collaboration, create a vision and plan for:
  - Training/recruiting, supporting, retaining, and advancing Indigenous workers
  - Supporting development and growth of Indigenous led services
- Advocate for improvements in physical and digital infrastructure to support Indigenous Nations and communities
- Utilize existing digital infrastructure to complement in-person relational work



Presentation based on: Gerlach, A., Sinha, V., Lach, L., & Assembly of Manitoba Chiefs, Jordan's Principle Implementation Team (in preparation) The Consequences of "Benevolent" Colonial Powers and Structural Inequities in the Implementation of Jordan's Principle in Manitoba.

## The Implementation of Jordan's Principle in Manitoba

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**Thank you!**

**Infographics and report available at:  
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