



**Data assessment and
framing of an analysis
of substantive equality
through the application
of Jordan's Principle**

September 1, 2022

**Institute of Fiscal Studies and
Democracy at the University of
Ottawa**

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This report was prepared under the supervision of Kevin Page, President & CEO of the Institute of Fiscal Studies and Democracy (IFSD).

The author wishes to recognize the contributions of Sahir Khan, as well as Aimeric Atsin, Clara Geddes, and Vivian Liu for their data analysis, and Sarah-Claude L'Écuyer and Jordon White for their legal research and analysis.

This report was prepared at the request of the First Nations Child and Family Caring Society.

The views expressed here are those of the author and do not necessarily represent the views of the First Nations Child and Family Caring Society.

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Executive summary

Jordan's Principle is named in honour of Jordan River Anderson who died in a Winnipeg hospital, never having been in his family home because of a jurisdictional battle between the federal and provincial governments on who would pay for his homecare.

As a 'child first' principle rooted in substantive equality, Jordan's Principle requires the government of first contact to consider and evaluate the needs of each individual child, including any needs stemming from their unique cultural background, historical disadvantage, and the lack of on-reserve or nearby services. Jordan's Principle is a legal rule that requires the federal government to respond to the needs of First Nations children¹ to ensure they can access services when they need them.

In November 2021, the Institute of Fiscal Studies and Democracy (IFSD) was asked by the First Nations Child and Family Caring Society (the Caring Society) to assess available data on the application of Jordan's Principle and its utility in evaluating responses to matters of substantive equality and equality. This work was undertaken to support the ongoing negotiations on First Nations child and family services, including the long-term reform and sustainability of Jordan's Principle.

To undertake its analysis, IFSD proceeded in three steps: 1) defining substantive equality versus formal equality; 2) assessing ISC's public reporting, i.e., reporting to Parliament on Jordan's Principle; 3) reviewing ISC's internal data on Jordan's Principle.

Neither ISC's public reporting nor its internal data enable IFSD to observe if substantive equality is being achieved by Jordan's Principle.

The number and modest size of individual requests suggest that funding for Jordan's Principle is addressing needs on the ground. Reducing the funding could pose a hardship for access to basic needs/services. Addressing needs – as real as they are – does not mean that you are making progress on substantive equality. You are more likely closing gaps from existing program areas.

There is a lot of information collected on Jordan's Principle. While it clarifies the number of requests for funding and products/services, among other variables, the information is insufficient to assess whether Jordan's Principle is helping to achieve substantive equality for First Nations children.

It appears that the initial implementation of Jordan's Principle was inconsistent with the goal of substantive equality. Rather than structuring Jordan's Principle to track and

¹ The Canadian Human Rights Tribunal (CHRT) found that any of the following cases are eligible for Jordan's Principle (2017 CHRT 14; 2017 CHRT 35; 2019 CHRT 7):

- 1) The child is registered or eligible to be registered under the *Indian Act*;
- 2) The child has a parent and/or guardian who is registered or eligible to be registered under the *Indian Act*;
- 3) The child is recognized by their nation for the purposes of Jordan's Principle; or
- 4) The child is ordinarily a resident on reserve.

reflect substantive equality and related measures, the implementation was hurried to respond to the CHRT's requirements focusing instead on the number of approved recipients and the timelines for adjudication.

The foundations for Jordan's Principle as a rule for addressing substantive equality were not established at the outset. This missed opportunity perpetuated a path dependent track of closing gaps on an ad-hoc basis, rather than addressing – or even understanding – the root causes of need.

Based on the analysis in this report, it is recommended that:

- 1) Substantive equality and a related performance framework be defined;
- 2) A cost analysis of substantive equality be undertaken through the Spirit Bear Plan;
- 3) First Nations' community well-being be defined through the Measuring to Thrive framework or other similar indicators;
- 4) Actors engaged in Jordan's Principle be interviewed;
- 5) Cost estimation be undertaken to close the gaps defined in #2 and for the implementation of the accountability mechanism defined in #3;
- 6) A reformed approach to Jordan's Principle be defined, premised on recourse in exceptional circumstances.

Jordan's Principle may appear to be working for children as requests, approvals, and expenditures increase. These trends, however, are symptoms of underlying gaps in programs and services. Only when equitable points of departure are established for First Nations children can substantive equality be achievable.

Introduction

Jordan's Principle is named in honour of Jordan River Anderson who died in a Winnipeg hospital, never having been in his family home because of a jurisdictional battle between the federal and provincial governments on who would pay for his homecare.

As a 'child first' principle rooted in substantive equality, Jordan's Principle requires the government to consider and evaluate the needs of each individual child, including any needs stemming from their unique cultural background, historical disadvantage, and the lack of on-reserve and nearby services. Jordan's Principle is a legal rule that requires the federal government to respond to the needs of First Nations children² to ensure they can access services when they need them:

Jordan's Principle makes sure all First Nations children living in Canada can access the products, services and supports they need, when they need them. Funding can help with a wide range of health, social and educational needs, including the unique needs that First Nations Two-Spirit and LGBTQIA children and youth and those with disabilities may have.³

In November 2021, the Institute of Fiscal Studies and Democracy (IFSD) was asked by the First Nations Child and Family Caring Society (the Caring Society) to assess available data on the application of Jordan's Principle and its utility in evaluating responses to matters of substantive equality and equality. This work was undertaken to support the ongoing negotiations on First Nations child and family services, including the long-term reform and sustainability of Jordan's Principle.

Three research questions were proposed to fulfill the project. The research questions and IFSD's findings are summarized in Table 1. To undertake its analysis, IFSD proceeded in three steps: 1) defining substantive equality versus formal equality; 2) assessing ISC's public reporting, i.e., reporting to Parliament on Jordan's Principle; 3) reviewing ISC's internal data on Jordan's Principle. **Neither ISC's public reporting nor its internal data enable IFSD to observe if substantive equality is being achieved by Jordan's Principle.**

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- 4) The child is ordinarily a resident on reserve.

³ Government of Canada, "Jordan's Principle," Indigenous Services Canada (ISC), last updated August 7, 2022, <https://www.sac-isc.gc.ca/eng/1568396042341/1568396159824>.

The number and modest size of individual requests suggest that funding for Jordan’s Principle is addressing needs on the ground. Reducing the funding could pose a hardship for access to basic needs/services. Addressing needs – as real as they are – does not mean that you are making progress on substantive equality. You are more likely closing gaps from existing program areas.

Table 1

Research question	Findings
<p>How should substantive equality and formal equality be defined and linked to the notion of holistic well-being for needs analysis and cost-estimation?</p>	<p>Substantive equality is about recognizing differentiated points of departure as well as distinct ongoing needs and applying different responses to promote equality of opportunities (not equality of outcomes).</p> <p>Jordan’s Principle has become synonymous with addressing issues of substantive equality. The challenge, however, is that the current approach to data capture and analysis in Jordan’s Principle does not identify the issues it is addressing or its results.</p>
<p>What data is available from Indigenous Services Canada (ISC) to assess the application of Jordan’s Principle in addressing issues of substantive equality and formal equality?</p>	<p>ISC’s GC Case system captures detailed information on inputs⁴, i.e., who is requesting specific products and services and their declared need. What is missing is an understanding of <i>why</i> those products and services were requested in the first place, e.g., was a product or service requested because it was inaccessible geographically, financially, etc.</p> <p>With the data provided by ISC, IFSD could not assess the application of Jordan’s Principle to address issues of substantive equality and equality.</p>
<p>Using the vision of holistic well-being in the Measuring to Thrive framework, what data and approaches would be necessary to assess the application of Jordan’s Principle on matters of substantive equality and equality?</p>	<p>To estimate the cost of Jordan’s Principle into the future, IFSD proposes two approaches:</p> <ol style="list-style-type: none"> 1) Using the Spirit Bear Plan to cost the gaps in core services for First Nations across Canada. 2) Using the Measuring to Thrive framework to assess the different points of departure of First Nations across Canada, using the community indicators to identify gaps. <p>Both approaches are reviewed in this report.</p>

⁴ Inputs in public finance, refer to resources associated to program delivery, e.g., money, personnel, infrastructure.

This report presents findings in four parts:

- 1) Discussion and differentiation of substantive equality and formal equality.
- 2) Review and assessment of Treasury Board of Canada policies and ISC's public reporting on Jordan's Principle.
- 3) Access to and analysis of ISC's data on Jordan's Principle are presented.
- 4) Approaches to costing the long-term application of Jordan's Principle consistent with substantive equality are proposed.

Part I: Equality, substantive equality, and Jordan's Principle

Formal equality v. substantive equality

Formal equality, also known as "equality of application" or "equality in treatment", is a conception of equality positing that every individual or group should be treated the same. It derives from A.V. Dicey's view of the rule of law that requires the "equal subjection of all classes of the ordinary law of the land" and from Aristotle's formula that "likes should be treated alike".⁵ This means that a law must be equally applied to all citizens that are targeted by that specific law. Formal equality is central to the Canadian constitutional order, as it ensures that both the government and private individuals are equally subject to the law.

Formal equality, however, may not be appropriate to apply in all situations. For example, formal equality does not consider personal characteristics, social realities, or historical disadvantage faced by certain individuals or groups. To this end, applying formal equality to assessments of services, access to services, or cost analysis of services to different groups in a society will almost certainly result in inequality between them.

Consider for instance, voter access. While all Canadians over the age of 18 are eligible to vote (formal equality), their ability to access a polling station, enter a polling station, read a ballot, or mark a ballot differs. For persons with vision impairment, a physical disability, or mobility restrictions, additional supports, accommodations, or services may be necessary to ensure that the equal right to vote in an election is maintained. To maintain formal equality in the right to vote, measures targeting substantive equality of citizens are necessary to ensure they can exercise their right from different starting points.⁶

Substantive equality is a legal principle that demands equity to achieve a baseline. Section 2 of the *Canadian Human Rights Act* recognizes that the true achievement of equality in points of departure refers to giving everyone equal opportunities to thrive. It states that:

⁵ Anthony Robert Sangiuliano, "Substantive Equality as Equal Recognition: A New Theory of Section 15 of the Charter," *Osgoode Hall Law Journal*, 52:2 (2015): 619; Sandra Fredman, "Substantive Equality Revisited," *International Journal of Constitutional Law* 14:3 (2016): 716.

⁶ *Hughes v Elections Canada*, CHRT 4 (2010) at para 40.

[...] all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices [...].⁷

The legal analysis defining formal and substantive equality is mostly found in the jurisprudential interpretation of section 15⁸, the equality guarantee, of the *Charter of Rights and Freedoms* and in decisions from human rights tribunals. As both the *Charter* and statutory human rights laws across the country strive to ensure substantive equality in society, the emerging jurisprudence from each stream serves as the most compelling sources in defining substantive equality in the Canadian context. There is occasional cross-fertilization between the two streams of jurisprudence.⁹ Jurisprudence relating to human rights laws has enriched the interpretation of section 15 of the *Charter* and vice-versa.¹⁰

Case law relating to section of 15 of the *Charter* and human rights laws recognizes that differential treatment may sometimes be necessary to respond to the contextual needs of disadvantaged groups. To provide the opportunity for equal points of departure, the full context and circumstances of disadvantaged groups must be considered. In designing a service, substantive equality requires an accounting of its actual impact on disadvantaged groups. It is established in human rights law that a facially neutral standard can be discriminatory if it adversely impacts members of a disadvantaged group.¹¹

In *Ontario Human Rights Commission and O'Malley v Simpsons-Sears*, an early discrimination case under the *Human Rights Code of Ontario* heard by the Supreme

⁷ *Canadian Human Rights Act, Revised Statutes of Canada* 1985, c H-6, s 2, <https://laws-lois.justice.gc.ca/eng/acts/h-6/>.

⁸ *Canadian Charter of Rights and Freedoms*, s. 15, Part 1 of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c 11 [Charter]:

15 (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Affirmative action programs

(2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability

⁹ *Canada (Human Rights Commission) v. Canada (Attorney General)*, FC 445 (2012), at para 287-288.

¹⁰ Nearly all provinces adopted human rights legislation in the 1960s and 1970s. Section 15 of the *Charter* did not come into effect until 1985. For analysis describing the difference between the two equality regimes, see Jennifer Koshan, "Under the Influence: Discrimination Under Human Rights Legislation and Section 15 of the Charter," *Canadian Journal of Human Rights* 3 no.1 (2014): 115, for analysis of the difference between the two equality regimes.

¹¹ *Ontario Human Rights Commission and O'Malley v Simpsons-Sears Ltd.*, (1985) 2 SCR 536.

Court of Canada, the Court adopted a broad, effects-based approach to discrimination that recognized the adverse impact of neutral standards, policies, and practices.¹²

In *Andrews*, the first *Charter* section 15 case at the Supreme Court, the Court later also rejected the concept of “equality in treatment”, the formalistic conception of equality under the *Charter*.¹³ In that decision, it reiterated that similar treatment will not always result in equality and vice-versa. Under human rights laws and section 15 of the *Charter*, differential treatment may be necessary to achieve equality.¹⁴ This principle is clearly reflected in section 15(2) of the *Charter* as well as similar provisions in human rights laws across Canada that protect affirmative action programs and other equality affirming initiatives.

Since this time, courts and human rights tribunals dealing with section 15 and human rights cases have recognized that consideration of the full context of individuals or groups when evaluating a discrimination claim is necessary.¹⁵ Importantly, in *British Columbia (Public Service Employee Relations Commission) v. BCGSEU* [“Meiorin”], the Supreme Court emphasized the need for a unified approach to dealing with direct and adverse effect discrimination complainants under human rights laws.¹⁶ According to the Court, this distinction was immaterial. In other words, direct and adverse effect discrimination complaints are to be evaluated using the same legal analysis. Whether a violation of a human rights law is caused by direct or adverse effect discrimination will not impact the available remedies to successful complainants. The obligation under human rights laws to prevent and correct direct and adverse effect discrimination is the same.

Most recently, in *Fraser*, one of the latest section 15 decisions from the Supreme Court, the majority’s section 15 analysis focused on the effect of the impugned law and how it interacted with “status hierarchies”.¹⁷ In her reasons, Justice Abella emphasized the need to understand the cultural, economic, social, and historical disadvantages in order to achieve substantive equality.¹⁸ *Fraser* and other cases, highlight the importance of looking beyond a law, practice or standard on its face to evaluate its actual impact on disadvantaged groups. By using a contextless approach and ignoring the possible impacts of a law, practice, or standard, the promise of substantive will not be fulfilled.

Applying an understanding of substantive equality that recognizes and addresses differences in context, rather than formal equality which assumes balance in points of departure, can begin to address the root causes of social challenges in disadvantaged

¹² *Ontario Human Rights Commission and O’Malley v Simpsons-Sears Ltd.*, (1985) 2 SCR 536 at para 10.

¹³ *Andrews v. Law Society of British Columbia*, (1989) 1 SCR 143.

¹⁴ Jennifer Koshan, “Under the Influence: Discrimination Under Human Rights Legislation and Section 15 of the Charter”, 173.

¹⁵ This has been mentioned in multiple section 15 cases at the Supreme Court of Canada including *Withler v Canada (Attorney General)*, 2011 SCC 12 at para 40, 43.

¹⁶ *British Columbia (Public Service Employee Relations Commission) v. BCGSEU*, [1999] 3 SCR 3m para 50-55.

¹⁷ *Fraser v Canada (Attorney General)*, SCC 28 (2020) at para 40 [*Fraser*].

¹⁸ *Withler v Canada (Attorney General)*, SCC 12 (2011) at para 40, 43.

groups. Instead of assuming all communities and people are the same and have the same needs, recognizing that differentiated application of resources can be more effective and efficient.

It is widely accepted that discrimination often accrues from a failure to take positive steps to assist disadvantaged groups.¹⁹ In other words, achieving substantive equality requires an understanding of needs of disadvantaged groups and taking special proactive measures to meet them.²⁰ It starts from the point of acknowledging that to achieve a desired baseline, e.g., equal point of departure, people will need different tools and resources to get there.

Measuring progress toward the goal of substantive equality first requires the definition of a baseline against which to measure progress. Changes can then be assessed from the baseline and desired outcomes defined. Only from a baseline and over time can it be determined if interventions in the name of substantive equality had their intended impacts. To make those assessments, it is crucial that requisite structures and associated information are in place. In the case of Jordan's Principle, information is collected about who is requesting services and which services are being requested. That information, however, is not linked to root causes of need, or to points of departure, nor is long-term information about recipients collected to capture their outcomes. These gaps are problematic, especially when Jordan's Principle is intended to foster substantive equality for First Nations children.

Jordan's Principle and substantive equality

Under the *Constitution Act, 1867*, section 91 (24), the federal government has constitutional authority over "Indians, and Lands reserved for the Indians".²¹ Federal legislation, like the *Indian Act*, uses this constitutional authority to make the provision of services, including health services and medical treatment, to Indigenous communities a federal responsibility.²² However, Indigenous health care has become increasingly complex as a result of self-government agreements and other mechanisms designed to expand Indigenous people's involvement in the provision of services.²³ Jurisdictional disputes often arise from these arrangements, creating significant and negative effects on the health, safety and well-being of Indigenous children.²⁴

¹⁹ *Eldridge v. British Columbia (Attorney General)*, 3 SCR 624 (1997) para 78.

²⁰ *Eldridge v. British Columbia (Attorney General)*, 3 SCR 624 (1997) para 75.

²¹ *Constitution Act, 1867* (UK), 30 & 31 Vict, c 3, reprinted in RSC 1985, App II, No 5, s 91(24).

²² *Indian Act, Revised Statutes of Canada, 1985, c I-5, s 73.*

²³ "The Aboriginal Health Legislation and Policy Framework in Canada," (2011), National Collaborating Centre for Aboriginal Health, last accessed August 7, 2022, <https://www.nccih.ca/docs/context/FS-HealthLegislationPolicy-Lavoie-Gervais-Toner-Bergeron-Thomas-EN.pdf>

²⁴ John Loxley, et al., *Wen:De The Journey Continues* (Ottawa: First Nations Child and Family Caring Society, 2005), 16.

In the early 2000's, that is exactly what happened to Jordan River Anderson. Jordan, whose family was from Norway House Cree Nation in Manitoba, was born with a rare neuromuscular disease.²⁵ Jordan was transported to a hospital in Winnipeg, approximately eight hours drive from his family and community to undergo treatment. In 2001, Jordan's medical team determined Jordan's needs would be best met through specialized home care. In response to Jordan's situation, federal and provincial governments deliberated over who would bear the financial responsibility for Jordan's recommended in-home services. Neither level of government wanted to bear responsibility for Jordan out of fear that it would establish a precedent of funding cases outside of their constitutional jurisdiction. Meanwhile, Jordan remained in hospital despite there being no medical reason for him to be there.

While the federal and provincial governments argued over who should pay for Jordan's care, Jordan died in the hospital in 2005. Jordan never had the chance to live in a family home, let alone in his community. Had Jordan been a child from Winnipeg, or any other non-reserve community in Canada, he would not have been denied these opportunities. Jordan's story is all too common for First Nations children living on-reserve. First Nations children face a "jurisdictional quagmire", plagued by unequal funding, delays and disruptions in services, and service gaps that simply do not exist in non-reserve communities.²⁶

On October 31, 2007, the House of Commons unanimously passed a motion brought forward by the then Member of Parliament for Nanimo-Cowichan, Ms. Jean Crowder, that would become Jordan's Principle, to ensure all First Nations children receive equitable access to public services:

That, in the opinion of the House, the government should immediately adopt a child first principle, based on Jordan's Principle, to resolve jurisdictional disputes involving the care of First Nations children.²⁷

Jordan's Principle requires that when a First Nations child requires services, the government or department to which the request is originally made should pay for or provide the services without delay and seek reimbursement from other levels of government after the service has been provided.²⁸ As a "child first" principle, Jordan's Principle addresses issues of jurisdiction that can delay, disrupt, and even deny a good or service to First Nations children.²⁹ Jordan's Principle applies regardless of community or disability, and applies to a range of services including but not limited to mental health, special education, dental, physical therapy, speech therapy, medical equipment, and

²⁵ "Jordan's Principle," First Nations Child & Family Caring Society, last accessed August 7, 2022, <https://fncaringsociety.com/jordans-principle>.

²⁶ Vandna Sinha, et al., "Substantive Equality and Jordan's Principle: Challenges and Complexities," *Journal of Law and Social Policy* 35, (2021): 22.

²⁷ Tabled by Jean Crowder, Member of Parliament for Cowichan-Nanaimo (NDP), (M-296). See "Private Members' Business M-296" adopted, House of Commons Journals, 39-2, No 36 (12 December 2007).

²⁸ *First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (Minister of Indigenous and Northern Affairs Canada)*, CHRT 2 (2016) at para 351.

²⁹ 2016 CHRT 2 at para 379.

physiotherapy services.³⁰ Jordan's Principle ensures that the needs of First Nations children are met as their needs arise.

As discussed above, had Jordan River Anderson been a child from a non-Indigenous community, the jurisdictional dispute preventing him from living in a family home would never have occurred. The concept of Jordan's Principle emerged as a tool to correct this fundamental inequality. Jordan's Principle has roots in and is arguably one of the best theoretical examples of substantive equality because it is intended to address differentiated needs and different points of departure.³¹

The Canadian Human Rights Tribunal has confirmed that the substantive equality approach to Jordan's Principle means that the federal government must not "perpetuate the historical disadvantages endured by [Indigenous] peoples."³² In fact, the Tribunal held that government actions that widen the gap between Indigenous and non-Indigenous communities are discriminatory and therefore a direct violation of substantive equality.³³ Jordan's Principle may be violated where First Nations children receive less funding for public services than non-First Nations children.³⁴ Such direct discriminatory action would violate even the most formalistic conceptions of equality.

However, the substantive equality approach that underlies the spirit of Jordan's Principle would be violated in less direct cases. This is consistent with human rights and section 15 case law that requires special measures to be taken to ensure that disadvantaged groups can benefit from equal opportunities.³⁵ For example, consider a situation where the federal government provides the same funding to services for children living in a remote First Nation community as the provincial government would for non-First Nations children living in a city centre. Although formal equality may be achieved in this scenario, it is unlikely that this treatment would breach the threshold necessary to achieve substantive equality. Under the definition of substantive equality, achieving equitable points of departure may require differential treatment that considers the circumstances of individuals, groups, and communities protected under the *Canadian Human Rights Act*.³⁶ Therefore, children in remote First Nations communities may require funding levels greater than non-First Nations children living in city centres to achieve the same outcomes. The existing challenges present in remote First Nations communities, namely a general lack of available and accessible services, coupled with the disadvantage caused by historical and contemporary forms of colonialism, increased funding is likely necessary to achieve substantive equality to promote improved long-term outcomes.

³⁰ First Nations Child & Family Caring Society of Canada et al v. Attorney General of Canada (Minister of Indigenous and Northern Affairs Canada), CHRT 14 (2017) at para 135.

³¹ 2016 CHRT 2 at para 89.

³² 2016 CHRT 2 at para 381.

³³ 2016 CHRT 2 at para 403.

³⁴ Vandna Sinha, et al., "Substantive Equality and Jordan's Principle: Challenges and Complexities," 27.

³⁵ *Eldridge v. British Columbia (Attorney General)* at para 78.

³⁶ *Eldridge v. British Columbia (Attorney General)* at para 78.

Jordan's Principle is not a program, but a legal rule that Canada is bound to follow.³⁷ Under human rights law and in accordance with the CHRT's remedial orders, the government has an obligation to uphold Jordan's Principle. This rule is informed by and aspires to achieve substantive equality for First Nations children by eliminating gratuitous barriers erected by jurisdictional government disputes and the failure of Canada to consider their unique cultural needs and best interest. By doing so, Jordan's Principle ensures that First Nations children have the same point of departure as any other child across Canada despite historic disadvantage.

In the context of Jordan's Principle, rather than equalizing outcomes or opportunities, substantive equality is best achieved by equalizing the point of departure between First Nations and non-First Nations children. The concept of equalizing points of departure is reflected in section 2 of the *Canadian Human Rights Act*.³⁸

To this end, IFSD proposes that substantive equality be defined as:

Substantive equality is a legal principle that demands equitable points of departure. It recognizes that differential treatment may be necessary to respond to the contextual needs of a certain individual or group. To achieve equal points of departure the full context of the individual or group, including cultural, economic, social, and historical disadvantages should be examined and considered.

Such an understanding of substantive equality requires accounting for the actual impact of law, practice, standard or service, recognizing that impacts on protected groups of people may be adverse or unintended if it ignores their characteristics.

The application of Jordan's Principle should align to precedent on the matter of substantive equality. This means more than increasing the number of approved requests or the amount of money expended through Jordan's Principle. Applying Jordan's Principle in the spirit of substantive equality means defining the starting point of children, understanding the root causes of need, and then working to address them.³⁹

Under human rights law, the limit to the obligation to meeting the needs of disadvantaged groups is undue hardship. Undue hardship must be assessed by evidence, not speculation, considering factors such as excessive financial cost, risk to health and safety, or the prospect of substantial interference with the rights of others. This means that the needs arising from the unique capabilities and needs of disadvantaged individuals, as in the case of Jordan's Principle, must be met and the

³⁷ 2019 CHRT 7 at para 25.

³⁸ *Canadian Human Rights Act*, RCS 1985 c H-6: "[...] all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices [...]"

³⁹ *Robichaud v. Canada (Treasury Board)*, 2 SCR 84 (1987) at para 15.

inherent worth and dignity of every individual must be recognized unless it causes undue hardship, financial or otherwise.

From the perspective of political theory, in a liberal democracy, the state is not accountable for equalizing outcomes for citizens, but it has a role – in principle – of supporting citizens to achieve across socioeconomic dimensions of life. Welfare state programs for instance, are intended to promote equality in points of departure, not equality of outcomes. For instance, employment insurance (EI) provides a safety net for short-term unemployment but does not provide the equivalent of the national median household income to recipients. Likewise, the Canada Pension Plan (CPP) supports pensioners but is not intended to replace their full earning potential of their working years. Extending beyond such conceptions, could trend toward other more interventionist state structures.

Jordan's Principle fits within this framework of substantive equality in a liberal democracy by promoting equitable access to a baseline point of departure for First Nations children to thrive.

CHRT orders since 2016⁴⁰ have ordered Canada to implement the full meaning of Jordan's Principle with consideration of the best interests of the child, substantive equality, and data monitoring frameworks to track requests. Putting into practice the CHRT's orders, ISC assesses requests initially against a normative standard. The normative standard determines if a similar product or service would be available to a child residing off-reserve. If the answer is yes, the request is pursued through the normative standard. If, however, the request falls outside of the normative standard, i.e., what would typically be accessible to a child off-reserve, an assessment of substantive equality is undertaken. To provide guidance in the assessment of requests, ISC defined nine questions with consideration of the goal of substantive equality.⁴¹

⁴⁰ See 2016 CHRT 2; 2016 CHRT 10; 2016 CHRT 16; 2017 CHRT 35.

⁴¹ "Jordan's Principle: substantive equality principles," Indigenous Services Canada, Government of Canada, last modified November 11, 2021, <https://www.sac-isc.gc.ca/eng/1583698429175/1583698455266>.

The nine questions reproduced from the department's website are:

1. Does the child have heightened needs for the service in question as a result of an historical disadvantage?
2. Would the failure to provide the service perpetuate the disadvantage experienced by the child as a result of their race, nationality or ethnicity?
3. Would the failure to provide the service result in the child needing to leave the home or community for an extended period?
4. Would the failure to provide the service result in the child being placed at a significant disadvantage in terms of ability to participate in educational activities?
5. Is the provision of support necessary to ensure access to culturally appropriate services?
6. Is the provision of support necessary to avoid a significant interruption in the child's care?
7. Is the provision of support necessary in maintaining family stability?, as indicated by:
 - o the risk of children being placed in care
 - o caregivers being unable to assume caregiving responsibilities

ISC indicates that its approach to substantive equality is inspired by the Touchstones of Hope.⁴² The five principles in the Touchstones of Hope are meant to reflect the unique contexts of Indigenous peoples and guide engagement with them: self-determination; culture and language; holistic approach; structural interventions; and non-discrimination.⁴³ The Touchstones of Hope are “to be respected to achieve substantive equality in the provision of services, products and supports, under Jordan's Principle.”⁴⁴

ISC defines substantive equality as

[...] the recognition that not all people start off from the same position and that these unequal opportunities make it more difficult for some to be successful. Treating everyone the same is only fair if they are starting from the same position.

Substantive equality seeks to address the inequalities that stem from an individual's particular circumstances, to help put them at the same position and give them the same opportunities as others.⁴⁵

In its review of substantive equality, ISC indicates that the legal principle implies achieving ‘equality in outcomes.’ As noted on the ISC website:

Substantive equality is a legal principle that refers to the achievement of true equality in outcomes. It is achieved through equal access, equal opportunity and, most importantly, the provision of services and benefits in a manner and according to standards that meet any unique needs and circumstances, such as cultural, social, economic and historical disadvantage.

Substantive equality is both a process and an end goal relating to outcomes that seeks to acknowledge and overcome the barriers that have led to the inequality in the first place.

When substantive equality in outcomes does not exist, inequality remains.

-
8. Does the individual circumstance of the child's health condition, family or community context (geographic, historical or cultural) lead to a different or greater need for services as compared to the circumstances of other children (such as extraordinary costs associated with daily living due to a remote location)?
 9. Would the requested service support the community or family's ability to serve, protect and nurture its children in a manner that strengthens the community or family's resilience, healing and self-determination?

⁴² Government of Canada, “Jordan's Principle: substantive equality principles,” Indigenous Services Canada, last updated November 11, 2021, <https://www.sac-isc.gc.ca/eng/1583698429175/1583698455266>.

⁴³ “Reconciliation in Child Welfare,” First Nations Child and Family Caring Society, accessed August 7, 2022, <https://fncaringsociety.com/reconciliation-child-welfare>.

⁴⁴ “Jordan's Principle: substantive equality principles,” Indigenous Services Canada.

⁴⁵ “Jordan's Principle: substantive equality principles,” Indigenous Services Canada.

Achieving substantive equality for members of a specific group requires the implementation of measures that consider and are tailored to respond to the unique causes of their historical disadvantage as well as their historical, geographical and cultural needs and circumstances.⁴⁶

While recognizing that different circumstances require different treatment is consistent with substantive equality, the idea that substantive equality implies equality in outcomes is inconsistent. Such an approach to substantive equality suggests that the state is accountable for guaranteeing specific and common results (not points of departure) for citizens. This would require intervention that is not only inconsistent with the principles of liberal democracy, but also colonialist, dictating the outcomes of First Nations. Furthermore, such a conception of substantive equality is inconsistent with the legal precedents reviewed above, namely, that the state is not accountable for guaranteeing or dictating choice, but that it is accountable for equalizing points of departure on a differentiated basis.

Jordan's Principle in practice

Jordan's Principle was initially established as recourse in exceptional situations to ensure First Nations children had access to the services they needed. This is consistent with addressing gaps and supporting equity in points of departure. Over time, however, Jordan's Principle and its scope have been clarified by the CHRT to ensure consistency with the *Canadian Human Rights Act* and the requirement of substantive equality. Rather than being a last resort for exceptional circumstances, Jordan's Principle is increasingly the first point of contact to meet the various needs of First Nations children. From basic necessities, e.g., diapers, formula, to complex medical interventions, and group requests. This should raise concern as Jordan's Principle is covering the shortfalls and gaps of existing program areas. If Jordan's Principle is designed to address substantive equality, the application of Jordan's Principle, including the increasing demands and expenditures should be a signal that there are structural issues to address.

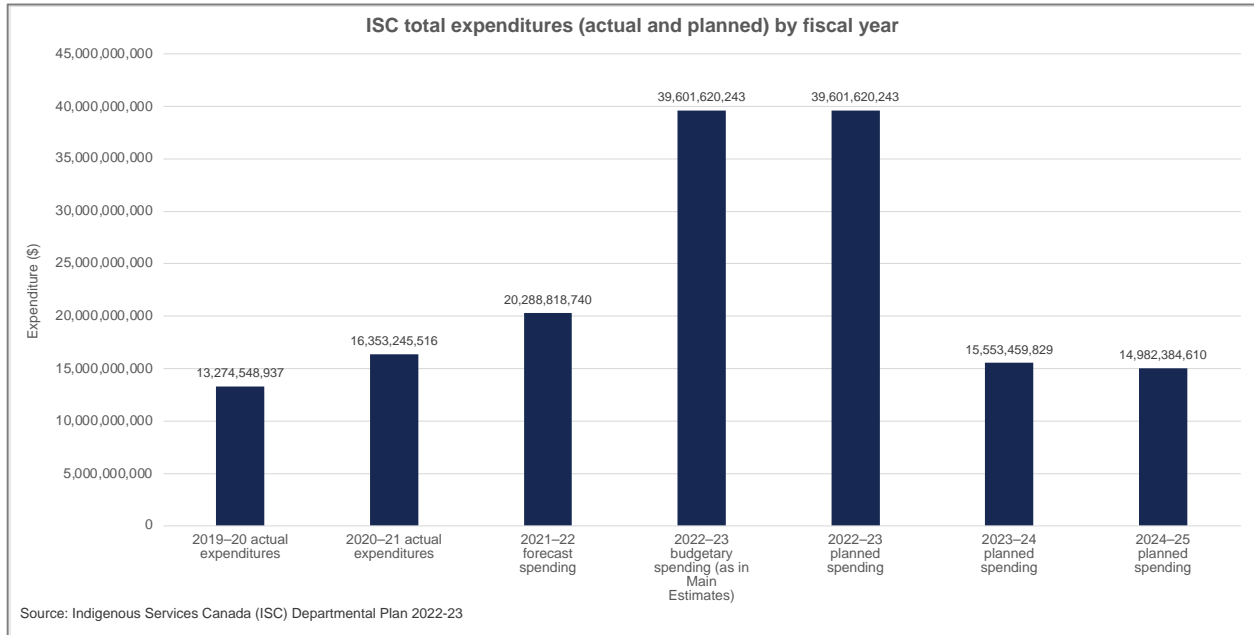
When considering funding for First Nations, there have been a series of studies and reports highlighting gaps in resources and outcomes. Housing, potable water, child, and family services inequities, among others have contributed to outcomes for First Nations that are worse than those of other Canadians.⁴⁷

⁴⁶ "Jordan's Principle: substantive equality principles," Indigenous Services Canada.

⁴⁷ See for instance, Institute of Fiscal Studies and Democracy (IFSD), "Final Report: Cost analysis of current housing gaps and future housing needs in First Nations," (2021) online, <https://static1.squarespace.com/static/5f29b2710512b20bd57bed44/t/618930be4ba2743dace94502/1636380867668/COO+SCA+2021+-+IFSD+National+Housing+Need+Cost+Analysis.pdf>; IFSD, "Funding First Nations child and family services (FNCFS): A performance budget approach to well-being," (2021) online, https://www.ifsd.ca/web/default/files/FNCFS/2020-09-09_Final%20report_Funding%20First%20Nations%20child%20and%20family%20services%5B1%5D.pdf; Office of the Parliamentary Budget Officer, "Clean Water for First Nations: Is the Government Spending Enough?" (December 2021) online: <https://www.pbo-dpb.gc.ca/en/blog/news/RP-2122-021-M--clean-water-first-nations-is-government-spending-enough--eau-potable-premieres-nations-gouvernement-depende-t-il-assez>, etc.

Since 2015, the Government of Canada has increased its spending on Indigenous and First Nations affairs.⁴⁸ There have been spending increases in housing, an historic agreement on compensation for First Nations child and family services and forward-looking reform, growing expenditures through Jordan’s Principle, etc. (Figure 1).

Figure 1



⁴⁸ See IFSD, “Funding First Nations child and family services (FNCFS): A performance budget approach to well-being,” (2021) online, https://www.ifsd.ca/web/default/files/FNCFS/2020-09-09_Final%20report_Funding%20First%20Nations%20child%20and%20family%20services%5B1%5D.pdf.

Despite these spending increases, however, a recent report by the Office of the Parliamentary Budget Officer (PBO)⁴⁹ found that ISC was unable to demonstrate results (or adequately measure performance) relative to its (increasing) expenditures. This raises a series of questions about the structure and funding of policy responses in First Nations.

- 1) What is the problem you are trying to solve?
- 2) Has anyone solved or alleviated the problem? If so, what can we learn?
- 3) What are the root causes of the problem? How can they be addressed?
- 4) What are current expenditures to address the problem? Do we know if they are sufficient? Do we know if they are generating results?
- 5) What is the estimated cost of solving the problem? What inputs (beyond money) are required?
- 6) Who is developing solutions? What are First Nations proposing? How are they managing the problem now?

A poorly structured policy or program could deliver positive results with an increase in resources alone. However, in the case of Jordan's Principle where a complex specific goal, i.e., substantive equality, has been defined, a multifaceted and nuanced approach to understanding and designing a response to deliver on the goal is necessary. While ISC's description of Jordan's Principle ensuring First Nations children can access the supports and services they need when they need them may be read robustly, the implementation of this legal rule appears to have fallen short relative to the broader goal of substantive equality.

Jordan River Anderson's unmet needs resulted from a series of gaps in the current system across various policy areas and jurisdictions. Rather than implementing Jordan's Principle to address existing gaps in various program and policy areas, it was narrowly implemented to prevent Jordan River Anderson's circumstances from being replicated. While that is an important outcome, it falls short of the goal of substantive equality as outlined in the CHRT's rulings and in ISC's public reporting.

In an internal audit of the implementation of Jordan's Principle in 2019, it was found that data collection was insufficient to identify gaps in existing programs and services. This was an issue to be remedied as it was acknowledged by ISC that:

[...] the maturity level of data collection and analysis is not sufficient to quantify cross program impact, to reinvest available funds or to inform long-term policy and ISC program decisions. By using existing information and by conducting trend analysis, the Department could identify current gaps in available programs and services and, in turn, determine the sustainability of the departmental

⁴⁹ Office of the Parliamentary Budget Officer, "Research and comparative analysis of CIRNAC and ISC," (May 18, 2022), online: <https://distribution-a617274656661637473.pbo-dpb.ca/4dd5db44bd0d5ddc57fd166053a5ee6703753a32baa02d6906a3082c84b23a38>

support to children. This analysis could also help other programs better understand the role and outcomes of Jordan's Principle.⁵⁰

It does not appear from public information that this type of gap analysis has been undertaken to date. As Jordan's Principle expands, there is no evidence of reviews of existing programs and service areas to assess their utility and responsiveness in meeting needs in First Nations. This is an informational gap that should be addressed for expenditures, performance, and sustainability of Jordan's Principle.

To assess if the application of Jordan's Principle was meeting the objective of substantive equality, IFSD undertook two types of analysis:

- 1) Assessment of public reporting by ISC on Jordan's Principle and Treasury Board of Canada policies;
- 2) Assessment of data from ISC's GC Case system (which is used to track Jordan's Principle requests).

Part II: Treasury Board of Canada policies

The Treasury Board of Canada's *Policy on Results* is a whole-of-government approach intended to:

3.1.1 Improve the achievement of results across government; and

3.1.2 Enhance the understanding of the results government seeks to achieve, does achieve, and the resources used to achieve them.⁵¹

The policy is intended to deliver results by ensuring departments are clear in their objectives and in assessing their success in achieving those objectives through regular performance evaluation and reporting. The policy is intended to ensure resources are allocated to optimize results. Parliament and Canadians are to benefit by receiving clear and useful information to assess how departments are performing relative to their declared objectives.

The *Policy on Results* is linked to the *Policy on Transfer Payments*, which is designed to ensure expenditures are used accountably, transparently, and linked to achieving results for Canadians. One of the objectives of the *Policy on Transfer Payments* clearly draws a linkage to the *Policy on Results*:

⁵⁰ "Audit of the Implementation of Jordan's Principle," Indigenous Services Canada, Government of Canada, last updated October 28, 2020, <https://www.sac-isc.gc.ca/eng/1594378735468/1594378764255>.

⁵¹ "Policy on Results," Treasury Board of Canada Secretariat, Government of Canada, last modified July 1, 2016, <https://www.tbs-sct.canada.ca/pol/doc-eng.aspx?id=31300>.

4.2.2 Transfer payment programs are designed, delivered and managed in a way that achieves outcomes, contributes to departmental results, takes account of risk and clearly demonstrates value for money[.]⁵²

Taken together, the two policies are clear that departments must define the objectives of their programs, link them to expenditures, and report on their outcomes. This approach is consistent with standard public financial management frameworks for public sector expenditure management which link aggregate fiscal discipline, allocative efficiency, and operating efficiency (Table 2).⁵³

Table 2

Aggregate Fiscal Discipline	<p><i>Overall ability to balance money in and money out</i></p> <ul style="list-style-type: none"> ▪ Spending decisions should be made within clear planning frameworks and should be sustainable beyond the medium-term.
Allocative Efficiency	<p><i>Aligning money to priorities</i></p> <ul style="list-style-type: none"> ▪ Expenditures should align to a government's priorities. The expenditure system should reprioritize spending based on priorities.
Operational Efficiency	<p><i>Performance; value for money</i></p> <ul style="list-style-type: none"> ▪ Goods and services should be produced efficiently and with value, competitive with market prices (where reasonable).

For the purposes of this analysis, aggregate fiscal discipline is not assessed.⁵⁴ Allocative efficiency and operational efficiency are critical, as their assessment clarifies if a government is spending against its declared priorities and is achieving value-for-money and results. Relative to Treasury Board of Canada policies, Parliament and Canadians cannot assess the allocative efficiency or results of spending through Jordan's Principle reporting. This is a problem, especially for the First Nations children Jordan's Principle is intended to serve.

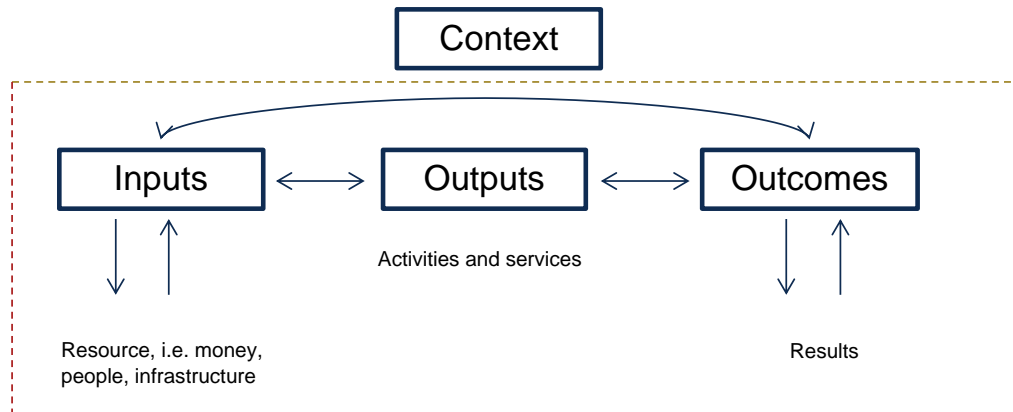
To fulfill the effective management defined by Treasury Board of Canada policies, there must be an explicit connection between resources (inputs), activities (outputs) and results (outcomes), informed by context (Figure 2). The combination of inputs and outputs necessary to deliver desired outcomes will differ based on the program or policy area.

⁵² "Policy on Transfer Payments," Treasury Board of Canada Secretariat, Government of Canada, last modified April 4, 2022, <https://www.tbs-sct.canada.ca/pol/doc-eng.aspx?id=13525>.

⁵³ Allan Schick, *A Contemporary Approach to Public Expenditure Management* (Washington, D.C.: The World Bank Institute, 1998).

⁵⁴ For an assessment of aggregate fiscal discipline at the federal and provincial levels of government, see for instance, Office of the Parliamentary Budget Officer, "Fiscal sustainability report, 2022," (2022), online, <https://www.pbo-dpb.ca/en/publications/RP-2223-012-S--fiscal-sustainability-report-2022--rapport-viabilite-financiere-2022>.

Figure 2



The Treasury Board of Canada’s policy is clear that reporting should be based on outcomes. The CHRT was clear that Jordan’s Principle continues until substantive equality is achieved. What is unclear is how ISC is linking Treasury Board of Canada policies to the outcome of substantive equality (let alone any other outcome), as articulated by ISC on its public facing website.⁵⁵

There is a single performance indicator associated to Jordan’s Principle, which is output based (not an outcome):

Number of approved requests for products and services to support First Nations children under the Jordan’s Principle Child First Initiative.⁵⁶

The performance indicator does not specify an outcome, a target, nor does it specify a date by which the target should be achieved. The sole publicly reported metric, i.e., the number of approved requests, does not speak to the result or outcome produced from expenditures or the structure of Jordan’s Principle for First Nations children.

In the planned results section of reporting through InfoBase, ISC justifies the lack of target by explaining:

The target and date to achieve remain undetermined at this time. Jordan's Principle and Inuit Child First Initiative remain demand-driven and responds to the unmet needs of First Nations and Inuit children. Since demands of First Nations and Inuit children and youth change and fluctuate in response to their needs, a projected estimation for service target is difficult to establish at this time.

⁵⁵ “Jordan’s Principle,” Indigenous Services Canada, Government of Canada, last modified August 7, 2022, <https://www.sac-isc.gc.ca/eng/1568396042341/1568396159824#chp02>.

⁵⁶ “Infographic for Jordan's Principle and the Inuit Child First Initiative,” InfoBase (results section), Government of Canada, last modified August 4, 2022, <https://www.tbs-sct.canada.ca/ems-sgd/edb-bdd/index-eng.html#infographic/program/INDSC-BXM01/results>.

Additionally, 2020-21 saw additional orders made by the Canadian Human Rights Tribunal (CHRT) which broadened eligibility criteria, so the number of approved products, supports and services are expected to increase at rates that cannot be forecasted at this time.⁵⁷

The indicator and explanation are inconsistent with the Treasury Board *Policy on Results*. Counting how many children receive approved requests for products or services does not explain why the requests were being made and what gaps/shortfalls Jordan's Principle is covering. Is Jordan's Principle being used as a last resort or is it the default funding source for all product and service needs to cover shortfalls in other program areas? The latter is problematic as it does not address the root cause of problems being covered by Jordan's Principle.

If the *Policy on Results* was being pursued, there would be a clear program objective and clear measures to determine if and how it was being achieved. Ensuring First Nations children can access the products and services they need when they need them is important, but why are they not able to access them through ISC's existing programs? Are all instances of requests extenuating circumstances? Is Jordan's Principle contributing to substantive equality or equality or is Jordan's Principle concealing existing on ongoing problems in other program areas?

ISC recognized in a 2019 audit of the implementation of Jordan's Principle that the approach in its early years was "focused on respecting timelines mandated by the CHRT and managing the significant increase in the volume of Jordan's Principle requests [...]."⁵⁸ This meant that "business processes that govern the implementation of Jordan's Principle were being developed while the Principle was being delivered under tight timelines."⁵⁹ While Jordan's Principle was being implemented on an expedited basis to respond to the CHRT, an implementation audit found that, "[t]he main purpose for the Department's data collection for Jordan's Principle was to report to Treasury Board and to show compliance with CHRT rulings."⁶⁰ It does not appear that much has changed with respect to internal reporting. Current public reporting does not provide information to understand how Jordan's Principle is addressing matters of substantive equality or how it is closing service gaps for First Nations children.

What is known about Jordan's Principle is that requests and expenditures are increasing. This information is not helpful in understanding whether Jordan's Principle is responding to matters of substantive equality or equality. What is known is that there are shortfalls. Where and why those shortfalls exist should be better understood to

⁵⁷ Government of Canada, "Infographic for Jordan's Principle and the Inuit Child First Initiative," InfoBase (see "Planned results 2022-23"), last updated August 4, 2022, <https://www.tbs-sct.canada.ca/ems-sgd/edb-bdd/index-eng.html#infographic/program/INDSC-BXM01/results>.

⁵⁸ "Audit of the Implementation of Jordan's Principle," Indigenous Services Canada, Government of Canada, last modified October 28, 2020, <https://www.sac-isc.gc.ca/eng/1594378735468/1594378764255>.

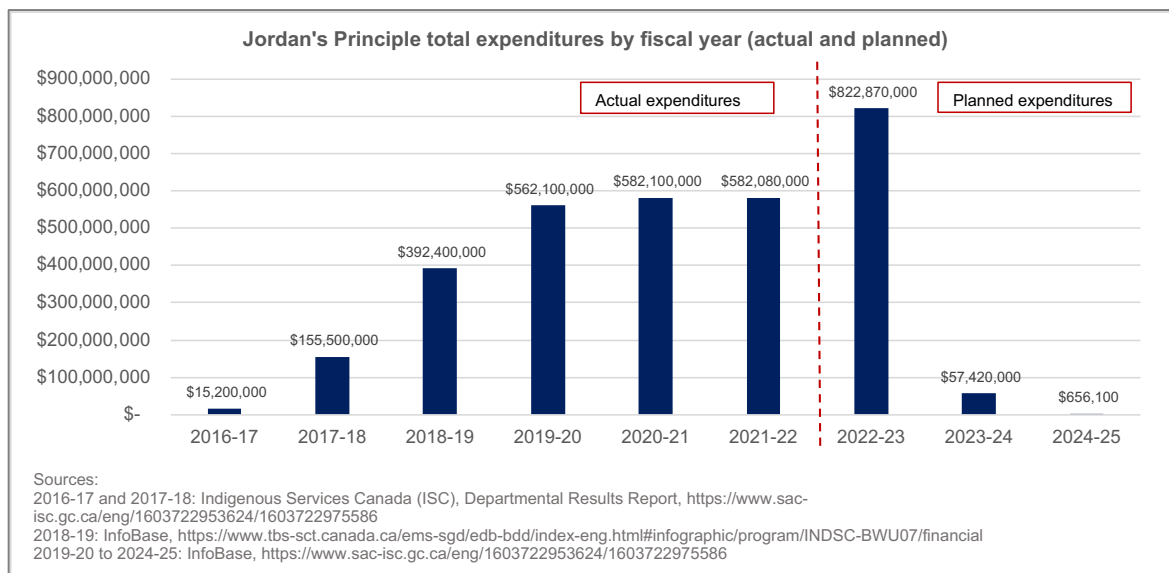
⁵⁹ "Audit of the Implementation of Jordan's Principle," Indigenous Services Canada.

⁶⁰ "Audit of the Implementation of Jordan's Principle," Indigenous Services Canada.

develop an approach to respond to and correct matters of substantive equality that Jordan’s Principle is intended to address.

Although requests and expenditures are increasing for Jordan’s Principle, publicly available projections from InfoBase suggest expenditures will decrease significantly by fiscal year 2024-2025 (Figure 3). By contrast, Budget 2022 allocates \$4B over six years starting in 2021-2022 to Jordan’s Principle.⁶¹ At the time of writing, there is no additional public information available about the profile of the expenditure. There was a high-level allocation of funds in Budget 2022 for which no expenditure plan or forecast has been publicly defined. As expenditures virtually flatline in InfoBase, First Nations, parliamentarians, and the public have no way of understanding ISC’s assumptions about needs or planned expenditures in Jordan’s Principle. What is the profile of the \$4B fiscal allocation over the six-year period? What are the specific program authorities and program parameters, e.g., terms and conditions, associated with the annual allocations? What are the current funds in ISC’s reference levels, i.e., how much is available to be spent in this fiscal year versus subsequent fiscal years? Current public reporting is insufficient to explain how ISC plans to manage needs through Jordan’s Principle.

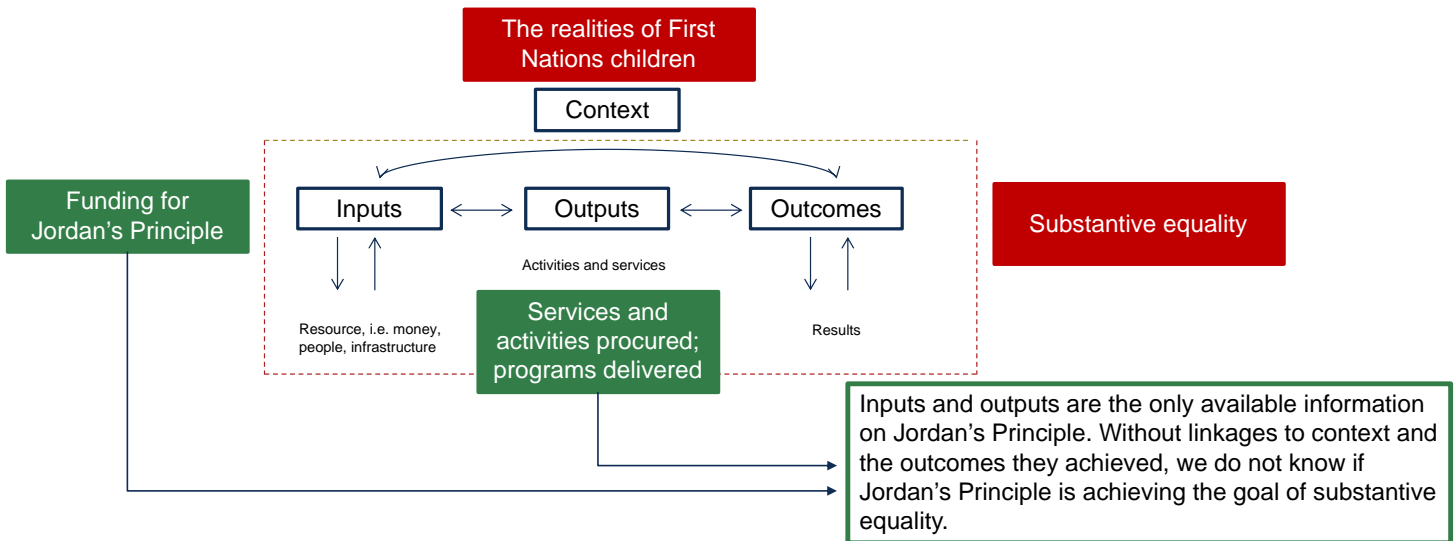
Figure 3



The CHRT’s rulings on Jordan’s Principle require funding to achieve substantive equality. This is not about the level of funding that you are allocating to Jordan’s Principle. The principle is about correcting deficiencies and inequities for children. Jordan’s Principle should be about an outcome not an input or output, but the structure and reporting do not speak to results.

⁶¹ “A Plan to Grow Our Economy and Make Life More Affordable,” Budget 2022, Department of Finance Canada, Government of Canada, April 7, 2022, <https://budget.gc.ca/2022/home-accueil-en.html>.

Figure 4



The CHRT's rulings indicate that Jordan's Principle applies until substantive equality has been achieved. The current operationalization of Jordan's Principle does not link information to outcomes for the child/group recipients (no linkages between context, input, output, outcome, i.e., Treasury Board of Canada policy). The application of Jordan's Principle is dependent on the adjudication of individual requests against a set of criteria, i.e., normative standard, culture, substantive equality. There is no way of understanding if Jordan's Principle is addressing substantive equality or not (Figure 4).

ISC appears to have applied a program-based approach (without outcome indicators) to operationalize Jordan's Principle. There is no way of knowing if the funding from Jordan's Principle is addressing gaps in substantive equality. Properly implementing Jordan's Principle will require reliable systems to identify and track Jordan's Principle cases that go beyond the current approach in which a great deal of information is generated but is inadequate for assessing substantive equality. This means linking **why** the claim was being made, i.e., the shortfall being addressed, and **what** happened to the child's/group's wellness after the claim.

To test if Jordan’s Principle is meeting the goal of substantive equality, the following questions would have to be answered:

- 1) What is substantive equality?
- 2) What are the different points of departure of recipients of Jordan’s Principle and their First Nations or community/place of residence?
- 3) What issue(s) was Jordan’s Principle funding intended to address?
- 4) Was the request a function of shortfalls or inadequacies in existing funding areas?
- 5) What happened to recipients after receiving Jordan’s Principle funding, i.e., how is their well-being?

The table below proposes an approach to operationalizing substantive equality.

Table 3

Current approach	Operationalizing substantive equality
Reactive – professional or family/community must make request	1) Define the policy goal , i.e., what is the problem you are trying to solve?
Application-based for adjudication at the region, and potentially, nationally	2) Rescope and rethink the program architecture, with revised program activities and results frameworks to achieve the goal of substantive equality, i.e., how will substantive equality be defined? How will substantive equality be achieved for First Nations children? Can funding be streamlined into areas of need to more clearly capture and address gaps in existing services driving the request?
Information available = allocation (\$) by item/service/request, i.e., input for output	3) Assess the performance of Jordan’s Principle based on outcomes, i.e., how do you know if the policy goal is being achieved?

Having assessed ISC’s public reporting on Jordan’s Principle, IFSD requested GC Case data to determine if its internal reporting can clarify if the substantive equality outcome was achieved.

Part III: ISC data analysis

Indigenous Services Canada (ISC) is the department that manages Jordan's Principle and information related to requests. The department is the sole source of detailed information on Jordan's Principle requests, approvals/denials, and expenditures. Jordan's Principle requests contain personal and private information on health, needs, special circumstances, etc. It is understandable that managing and accessing data from the GC Case System (the platform used to collect and hold data on Jordan's Principle) requires careful consideration of privacy matters.

The analysis of Jordan's Principle being undertaken by IFSD was part of the Agreement-in-Principle on the long-term reform of child and family services being negotiated by the parties to the Canadian Human Rights Tribunal (CHRT). Anticipating readily accessible data on Jordan's Principle, IFSD planned to complete the project in approximately three months. This was not the case. The process of requesting and accessing Jordan's Principle data from ISC took several months of effort by the department and IFSD. IFSD was required to retain an expert privacy lawyer for support in expediting the process.

On November 19, 2021, IFSD submitted its original request for data to ISC. Working with program officials and the Office of the Chief Data Officer, ISC expected to provide access to the dataset to IFSD by December 31, 2021. A standard process for data access from ISC was underway (with which IFSD was familiar, having previously requested and obtained access to granular expenditure data associated to ISC's programs).

The data being requested by IFSD was classified as "Protected B⁶²," meaning that it contained personal information that could be harmful to individuals or groups if compromised. IFSD was only interested in non-identifiable data, as the aggregate portrait of Jordan's Principle requests had explanatory value for the project (not individual requests to Jordan's Principle). To provide the necessary information for IFSD's work, ISC de-identified and clustered variables that would be shared in the dataset. This meant that for certain variables, e.g., age, expenditure, etc., ranges rather than exact variables were provided. Along with the de-identification and use of ranges for the variables, there were strict information and technological management protocols that ISC required of IFSD to receive the information. With notice of those requirements received in mid-December and the internal processes at ISC, the December 31, 2021, deadline was missed.

⁶² Public Works and Government Services Canada (PWGSC) defines various security levels for information and asset protection of the Government of Canada. The Protected B label is applied "to information or assets that, if compromised, could cause serious injury to an individual, organization or government." See Government of Canada, "Levels of Security," Public Works and Government Services Canada, Government of Canada, last modified November 22, 2021, <https://www.tpsgc-pwgsc.gc.ca/esc-src/protection-safeguarding/niveaux-levels-eng.html>.

ISC and IFSD worked through January to review a draft information sharing agreement (ISA) and resolve a difference in understanding of the requested data. By February 2022, there were two separate parts to the data request that would be fulfilled on different timelines:

- 1) Jordan's Principle request data for First Nations only for fiscal years 2019-20 and 2020-21. Qualitative entries and child-identifying information were removed from the data set.
- 2) A random sample of 30% of Jordan's Principle requests for fiscal years 2016-17, 2017-18, and 2018-19 for First Nations only. Qualitative entries and child-identifying information were removed from the data set. (This information was requested to cover the period prior to the use of the GC Case system and was used to test the consistency of inductive analysis from the primary datasets for fiscal years 2019-20 and 2020-21).

By the end of February 2022, the ISA between ISC and IFSD was signed, with an understanding that an amendment would follow to access the random sample data (defined in #2, above). The complete data sets for fiscal years 2019-20 and 2020-21 was transferred first at the end of February 2022. The random sample was transferred in June 2022.

As IFSD began working with the initial dataset, it raised questions about the availability of additional information. While pursuing the amendment to the ISA for the 30% sample, IFSD worked with ISC on an additional information request for a summary table of all Jordan Principle requests for non-First Nations children. This information was requested for completeness to understand the scope and scale of requested expenditures, approved, and denied expenditures.

At the end of May 2022, IFSD confirmed the ISA amendment to access the 30% random sample. The document was signed by both parties by mid-June 2022, and the data was provided shortly thereafter.

To better capture and understand *why* requests were being made to Jordan's Principle, i.e., which issues or challenges were being addressed, IFSD requested qualitative entries associated to the GC Case system. Approaching the end of May 2022, ISC noted for IFSD, that despite best efforts and consultations in the department, IFSD would not be able to access the qualitative data associated to individual Jordan's Principle requests without additional submissions and reviews. From a programmatic (not a technical) perspective, there were concerns about the private and personal information in the qualitative data. For those reasons, any access to the information would require additional requests and reviews, without a guaranteed outcome or timeline. For these reasons, in consultation with its client, IFSD decided to forego the pursuit of the qualitative information. In this report, IFSD cannot confirm the content of the qualitative information or its utility in understanding root causes of requests to Jordan's Principle, as it could not access the information within reasonable timelines for completion of the project. An inability to understand needs being addressed through

Jordan's Principle (not the product or service being requested, but *why* it is being requested) is a gap that should be addressed in future work.

While there was no child-identifying or qualitative information shared with IFSD, all analysis IFSD produced using GC Case data had to be reviewed by ISC's Privacy team (pursuant to the ISA). This review by ISC was required to ensure that no reader of the final report could piece together information from different analysis to identify an individual child or their request. IFSD submitted analysis in May, June, and July 2022 for the privacy review.

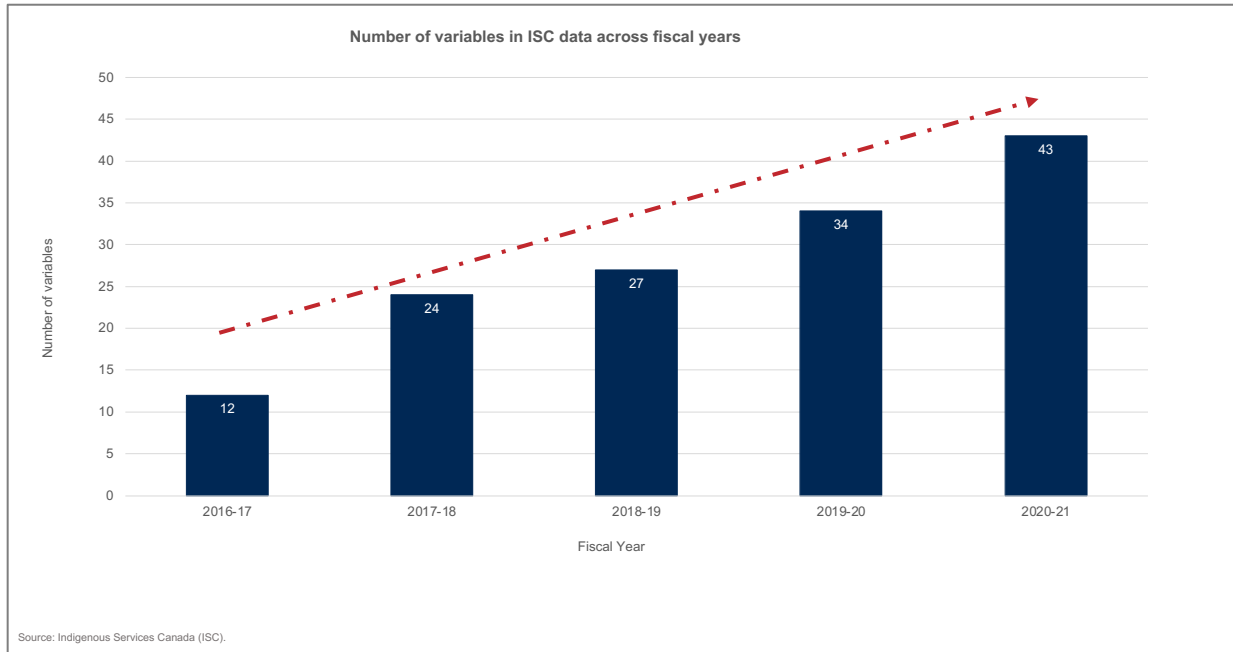
The information requested from ISC was essential for completing this work. IFSD used the data provided to understand Jordan's Principle requests, categories of services and products, and alignment to matters of substantive equality and equality. Without the granular data from the GC Case system the analysis would not have been possible as publicly accessible information does not contain sufficient detail for analysis.

Data analysis proceeded inductively with findings derived from assessments of the data. The inductive analysis was undertaken by sorting the GC Case data against different variables, e.g., service/product category, age range, expenditure, etc. The analysis was useful in understanding input metrics on Jordan's Principle, but insufficient for understanding needs or the root causes of requests through Jordan's Principle.

To use the data provided by ISC to respond to the project's research questions, IFSD used distinct requests. This means that IFSD was not concerned with the number of individuals or groups making a request, but rather the total number of products or services requested (as an individual or group may have requested more than one product or service). Thus, across fiscal years, the total number of requests was used and not the number of children requesting a product or service. IFSD used this approach to analyze the dataset as it was attempting to understand if Jordan's Principle was responding to substantive equality. IFSD was concerned with understanding what products or services were being asked for and why, not how many products or services an individual or group may request.

The data for fiscal years 2019-20 and 2020-21 contained sufficient detail for in-depth analysis, which are the focus of this report. The data for fiscal years 2016-17 to 2018-19 provided as a random 30% sample (prior to the use of the GC Case system) were insufficiently detailed for in-depth analysis. IFSD understood from ISC that those data sets differ in completeness, quality, and in the variables collected. While data collection has noticeably improved since 2016-17 (increase in variables, consistency, and quality of data collection (Figure 5) only data from fiscal years 2019-20 and 2020-21 were deemed sufficiently detailed and complete for this analysis.

Figure 5



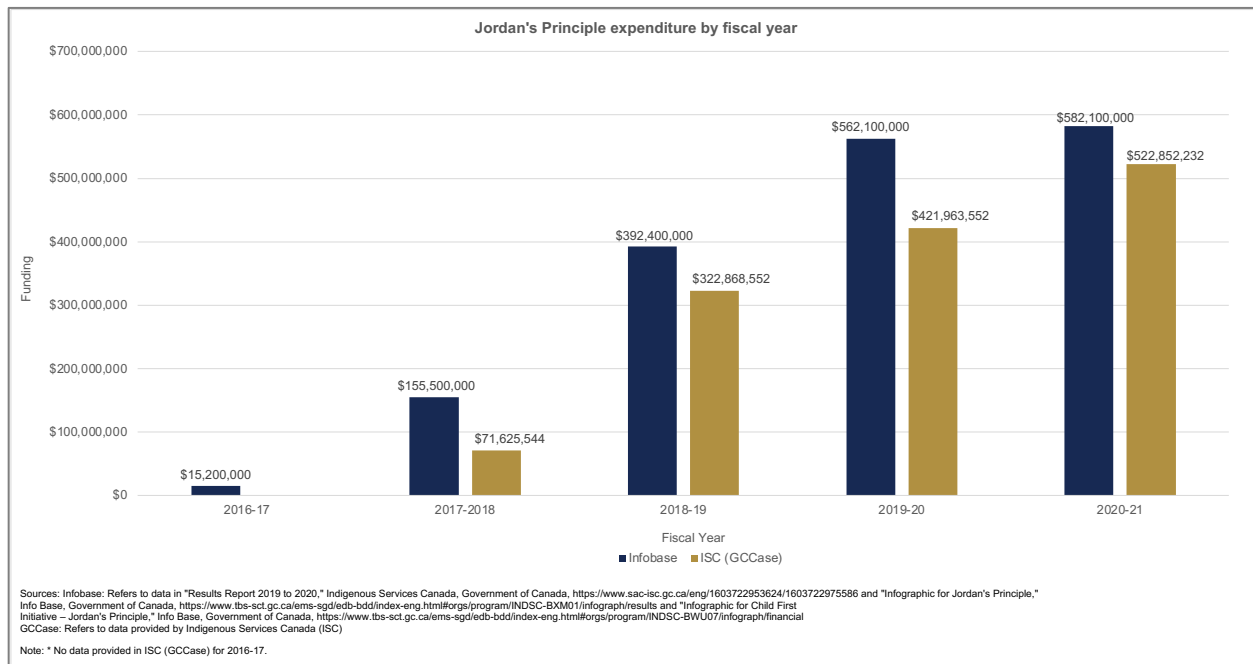
IFSD had originally anticipated completing this project in February 2022. The deadline was readjusted on several occasions, finally reaching July 29, 2022, to accommodate the time and challenges in accessing the required information. In mid-July 2022, ISC notified IFSD of outliers that had to be removed from the dataset. The ‘outlier’ values were removed from the dataset as they contained inaccurate age information. Subsequently, various parts of analysis had to be reconstructed by IFSD, had to undergo IFSD’s internal quality assurance processes, and then be resubmitted to ISC for the privacy review. In addition, ISC provided considerations on the interpretation of ‘blank’ values⁶³ and approaches to reporting in InfoBase. IFSD undertook additional analysis at that time to review these considerations. The additional analysis was submitted to ISC for the privacy review in late July 2022.

For a detailed discussion on the dataset, including limitations, and the analysis undertaken by IFSD see Appendix A.

The approach taken by IFSD based on the number and categorization of requests differs from reporting in InfoBase. InfoBase is the Government of Canada’s public reporting tool, managed by the Treasury Board of Canada Secretariat that provides information to Canadians on expenditures and the outcomes achieved.

⁶³ “Blank” values in the Amount Requested Category or Approved Funds Category have one of two explanations: a data entry issue where no approved funding was recorded, or that more than one child is using the requested product/services, i.e., they are part of the same family. The latter, according to Indigenous Services Canada (ISC), should account for the majority, if not all of the “blank” values in these categories.

Figure 6



InfoBase request data cannot be directly compared with GC Case request data, as the reporting basis differs in the treatment of group requests. Group-level request data from the GC Case system captures needs, i.e., the requested service/product, which is the basis of IFSD’s analysis. InfoBase request data for groups reflects the products and services multiplied by the number of children attached to the request, e.g., if 100 children request a health service, that health service is recorded 100 times in InfoBase but once in IFSD’s methodology. IFSD’s methodology is focused on understanding service requests, not the number of unique individuals requesting them and receiving approvals. In principle, InfoBase reporting should reconcile with GC Case data. IFSD was not able to reconcile InfoBase reporting with data from GC Case with the data provided, including on expenditures (Figure 6) (see the methodology note in Appendix A for further information).

In summary, the following information was provided to IFSD and is reviewed in this report:

- 1) Aggregate national-level data on Jordan’s Principle requests (total expenditures) for fiscal years 2017-18 to 2020-21 (Table 4).
- 2) Jordan’s Principle request data for First Nations only for fiscal years 2019-20 and 2020-21.
- 3) A random sample of 30% of Jordan’s Principle requests for First Nations only for fiscal years 2016-17, 2017-18, and 2018-19.
- 4) Aggregate data on the total requests (First Nations and non-First Nations) across fiscal years 2016-17 to 2020-21.

All qualitative and child-identifying information was excluded from the datasets by ISC.

Aggregate national analysis

The data provided by Indigenous Services Canada (ISC) produces an overview of requests, decisions, and categories of need. Analysis of the data provided produces descriptive analytics. The data provided reaffirms gaps in the implementation and monitoring of Jordan's Principle:

- ISC appears to have applied a program-based approach (without outcome indicators) to operationalize Jordan's Principle.
- There is no way of knowing if the funding from Jordan's Principle is addressing gaps in substantive equality.
- Properly implementing Jordan's Principle will require reliable systems to identify and track Jordan's Principle cases. This means linking **why** the claim was being made, i.e., the shortfall being addressed, and **what** happened to the child's/group's wellness after the claim.

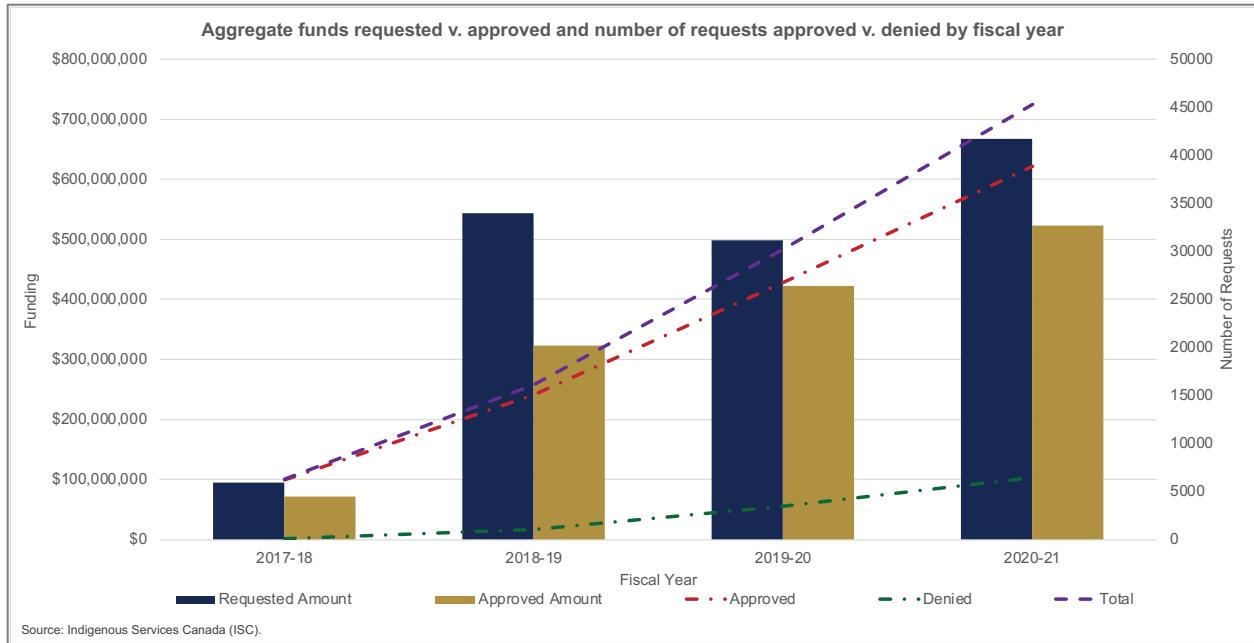
In this analysis, the term 'requests' refers to all requests submitted to Jordan's Principle whether they were later approved or denied. 'Escalated' requests refer to those sent for additional review and adjudication to Headquarters.

Table 4

Fiscal year	Total number of requests	Decision		Requested funds	Approved funds
		Approved	Denied		
2016-17	Data is unavailable				
2017-18	6,254	6,174	80	\$94,462,804	\$71,625,544
2018-19	16,137	15,111	1,026	\$544,439,737	\$322,868,552
2019-20	30,281	26,773	3,508	\$498,773,827	\$421,963,552
2020-21	45,335	38,899	6,436	\$667,700,400	\$522,852,232

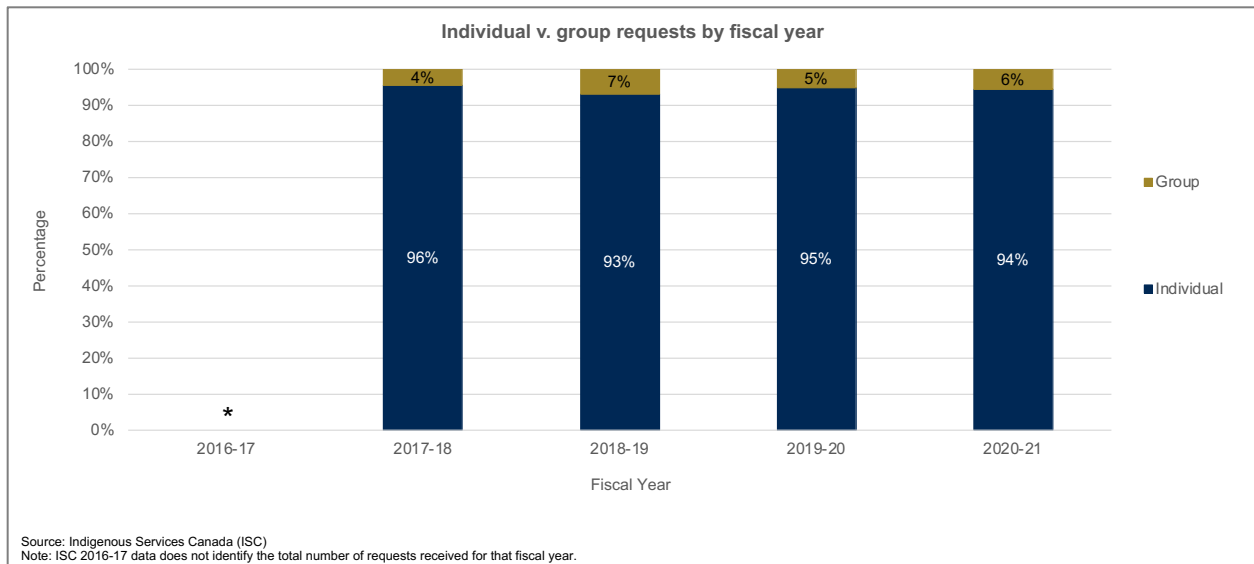
Since 2017-18, the number of requests increased, so did the requested amounts for support (Figure 7). The percentage change of total requests to Jordan's Principle increased by 625% between fiscal year 2017-18 and 2020-21.

Figure 7



Most requests were for individuals, with less than 10% of requests every fiscal year for groups (Figure 8).

Figure 8

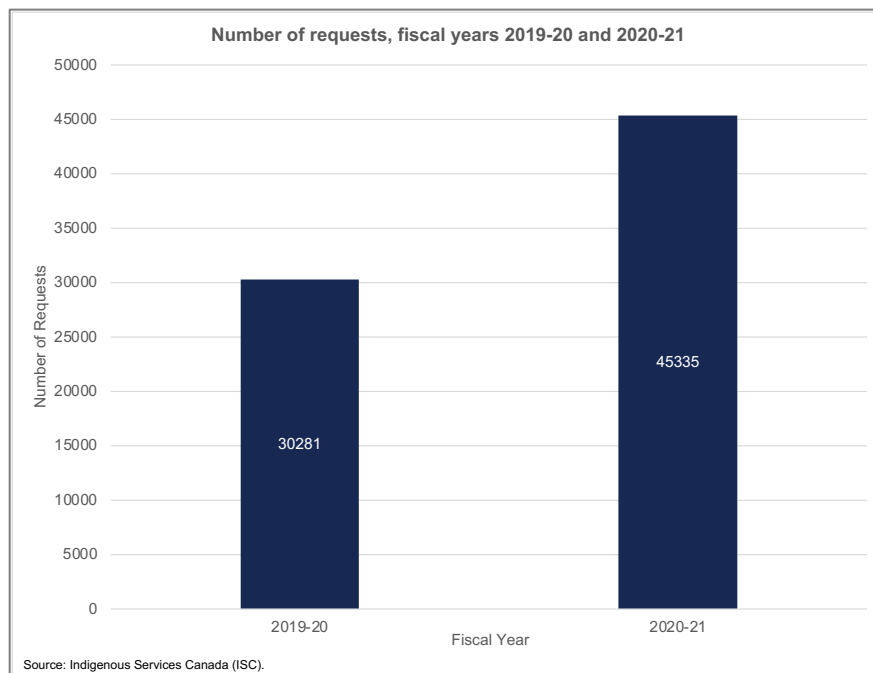


Data from 2019-20 and 2020-21

The 2019-20 and 2020-21 data sets from the GC Case system are the most complete and will be the focus of this analysis. There will be instances in which 2020-21 data alone is presented, as there are more variables in that fiscal year that allow for additional analysis.

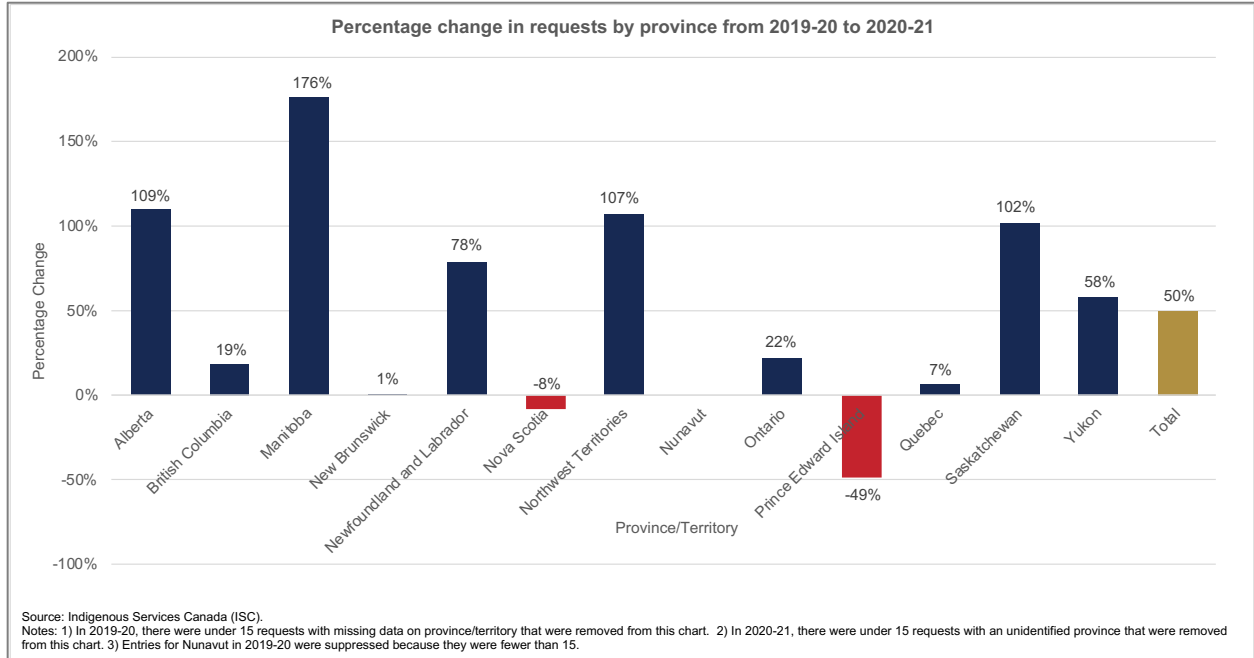
Overall, the number of requests submitted to Jordan’s Principle increased by roughly 50% between 2019-20 and 2020-21 (Figure 9). Most of the requests for fiscal years 2019-20 and 2020-21 were for education. Most approved requests were for products or services <\$4,999. The data suggests that requests to Jordan’s Principle are frequently for lower-cost products or services. This merits closer attention, as it is unclear if Jordan’s Principle is closing gaps in substantive equality or formal equality, or being used as a stop-gap to cover shortages from existing programs and services.

Figure 9



The most significant increases in requests were in Manitoba, followed by Alberta, Northwest Territories, and Saskatchewan. Requests from Nova Scotia and Prince Edward Island decreased (Figure 10) between fiscal year 2019-20 and 2020-21.

Figure 10



The Northwest Territories, British Columbia, and Ontario had the highest percentages of denied requests among all provinces and territories in 2019-20 (Figure 11), with Alberta replacing Ontario in the top three in 2020-21 (Figure 12).

Figure 11

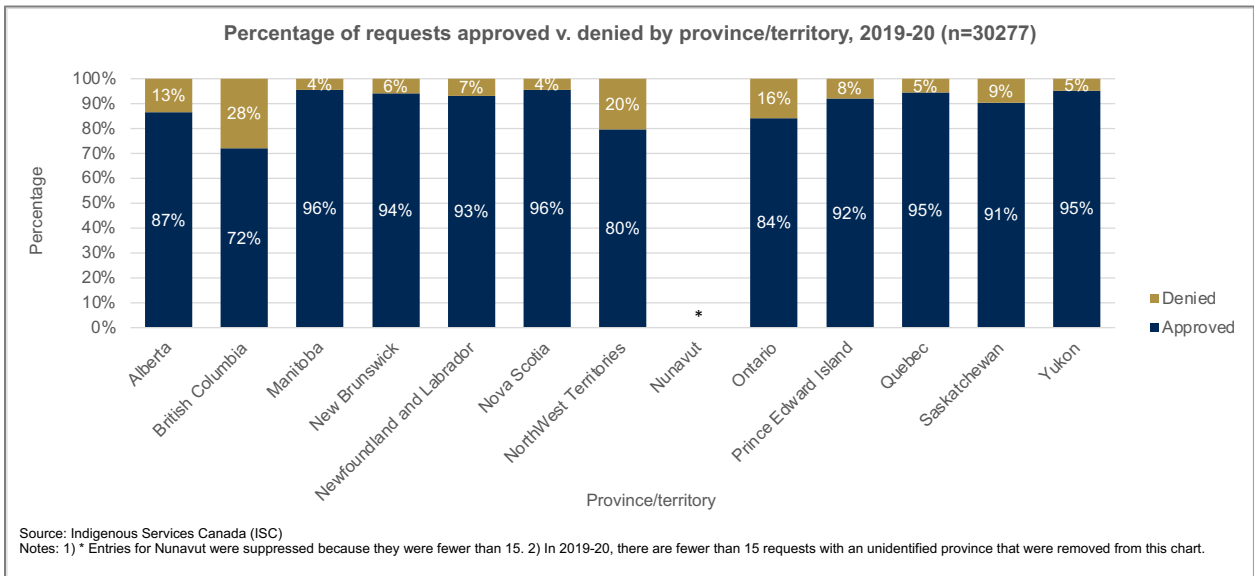
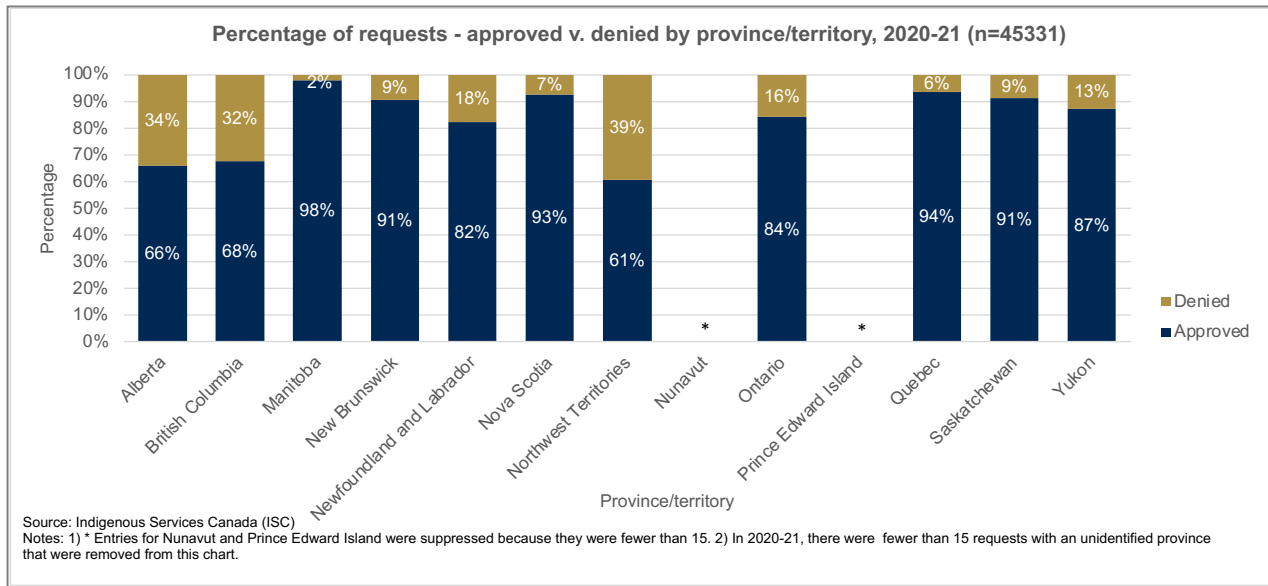


Figure 12



Nearly all requests made were for individuals (Figure 13). A greater percentage of group requests (roughly 20%) were denied compared to individual requests (approved at rates of nearly 90%) across both fiscal years (Figure 14 and Figure 15).

Figure 13

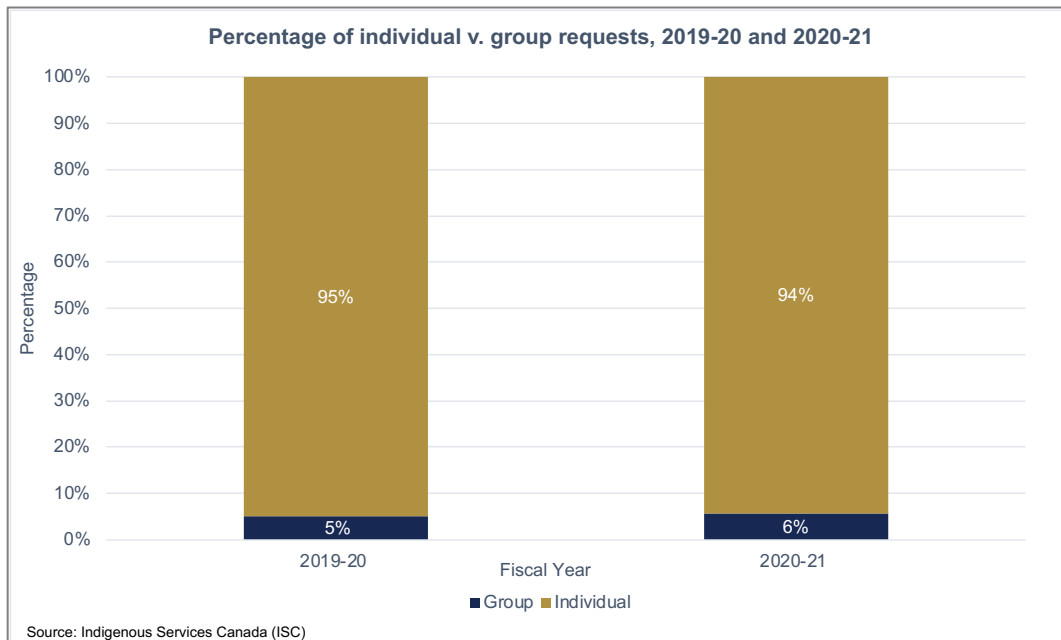


Figure 14

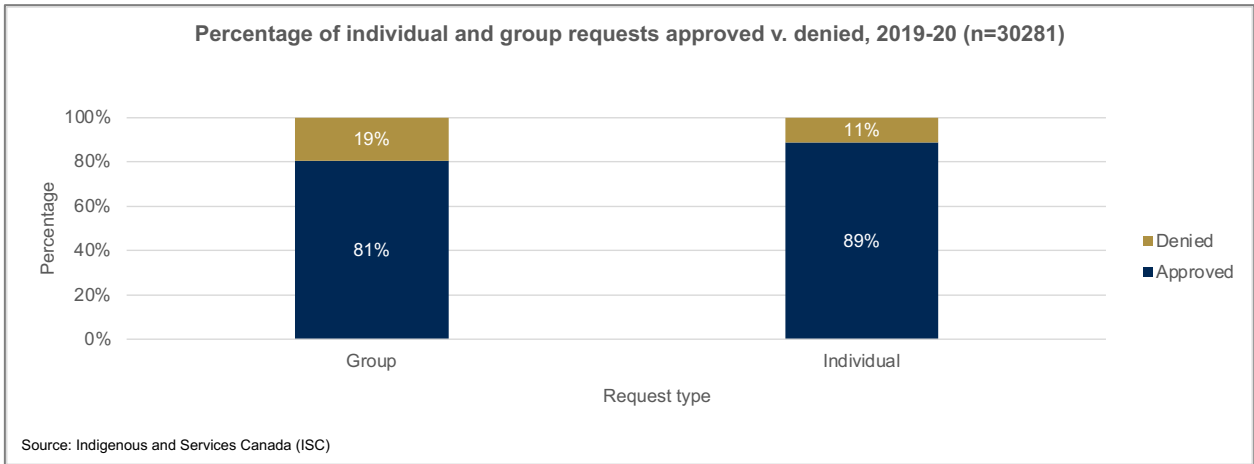
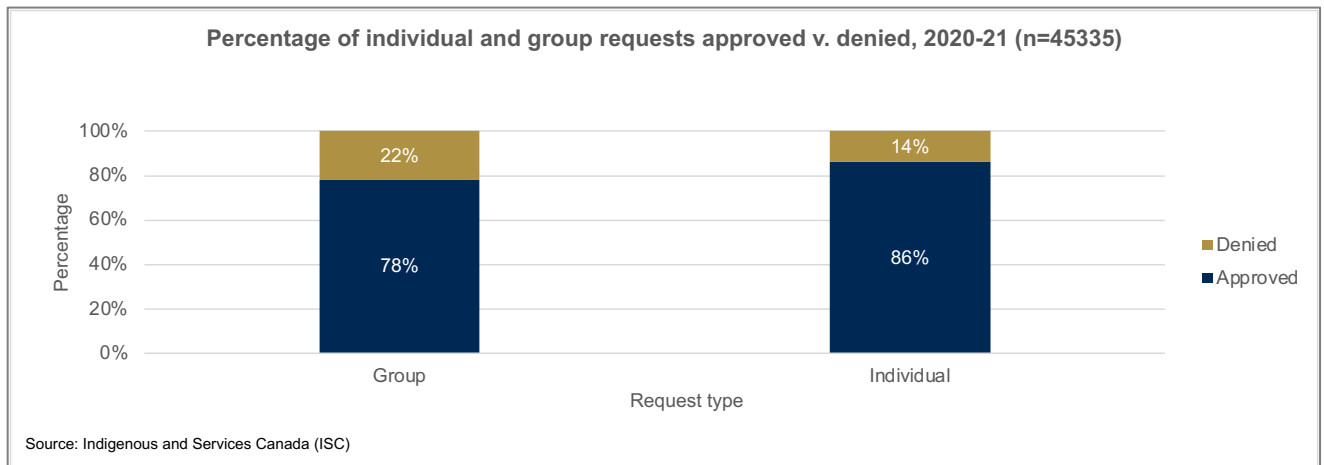
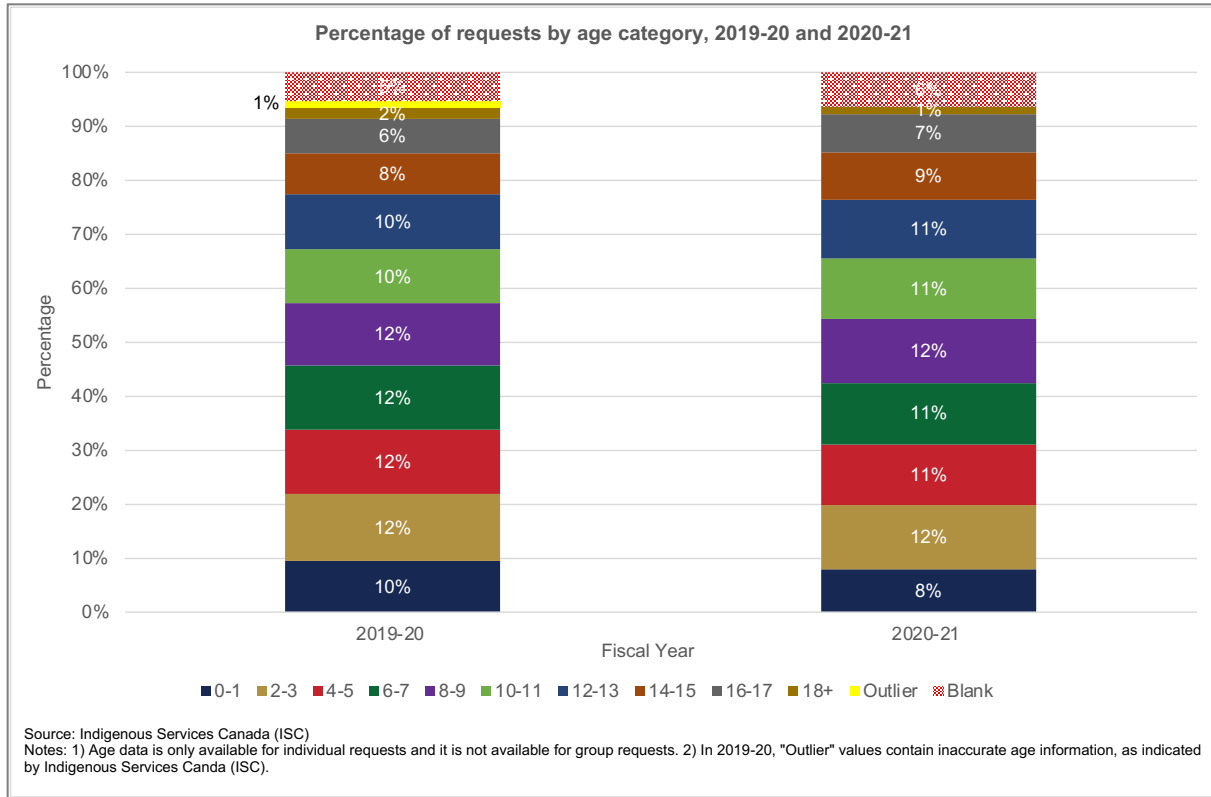


Figure 15



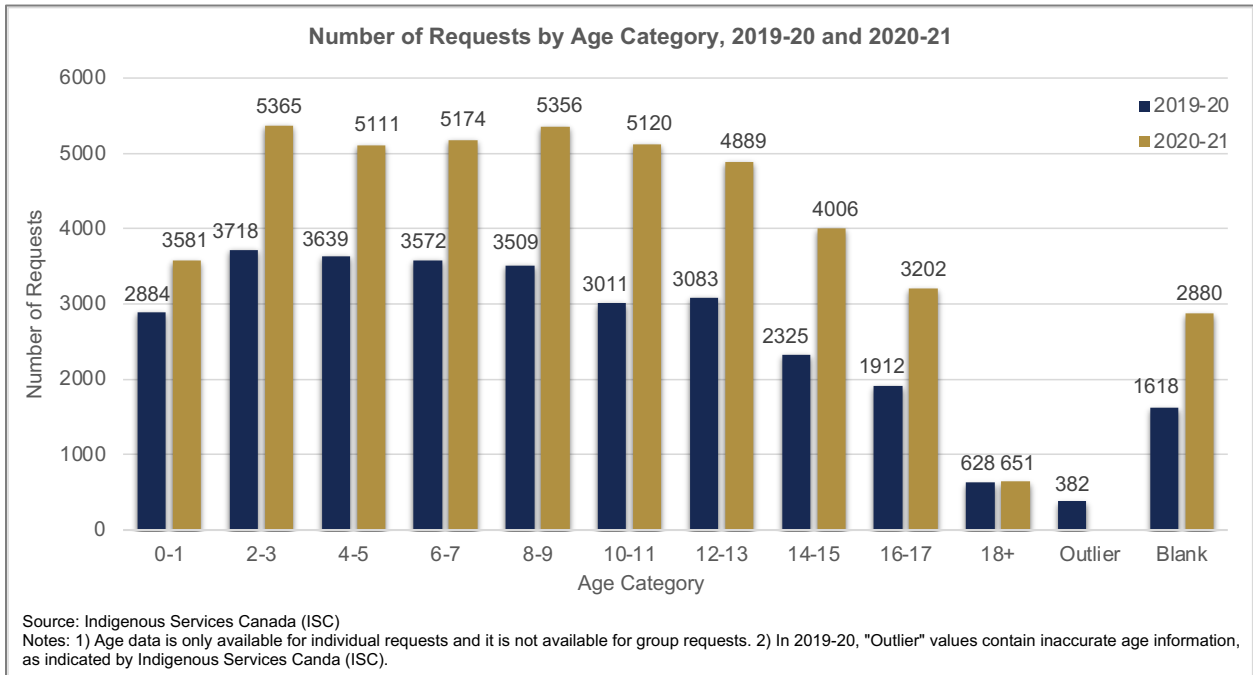
Just over 50% of requests in 2019-20 and 2020-21 were for children between 0-9 years old (Figure 16).

Figure 16



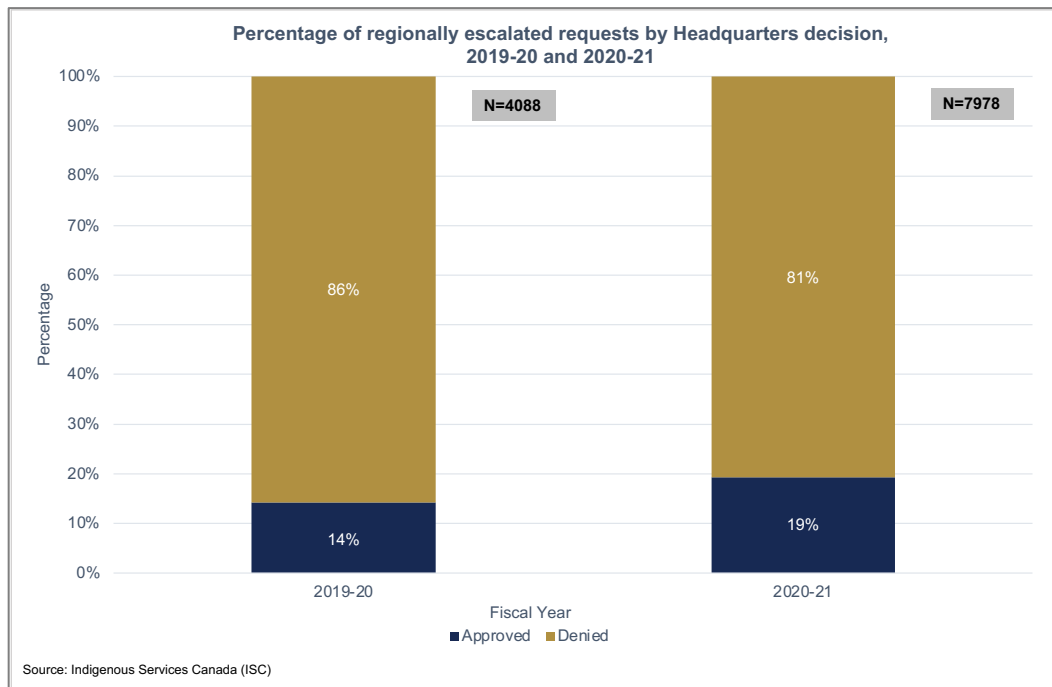
Requests tend to be made for children and youth from ages 2-3 to 12-13, and then tend to decrease (Figure 17).

Figure 17



Requests escalated by the region to headquarters for a decision are mostly denied with less than 20% approved for fiscal years 2019-20 and 2020-21 (Figure 18).

Figure 18



In 2020-21, nearly all requests escalated to headquarters were deemed to be above the normative standard of care (Figure 19). Of regionally escalated requests that were evaluated against one or more of: substantive equality, best interests of the child, cultural appropriateness:

- 48% were deemed to be a matter of substantive equality (Figure 20)
- 35% were considered a matter of cultural appropriateness (the least assessed category) (Figure 21)
- 58% were associated to the best interests of the child (Figure 22)

Figure 19

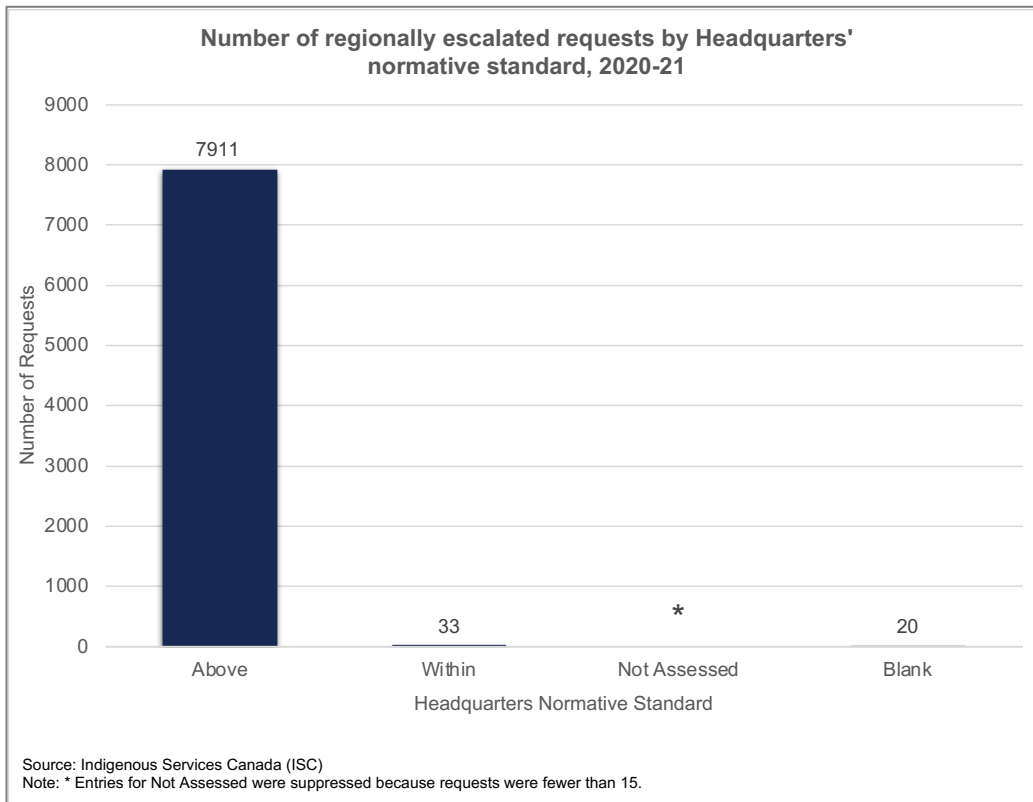


Figure 20

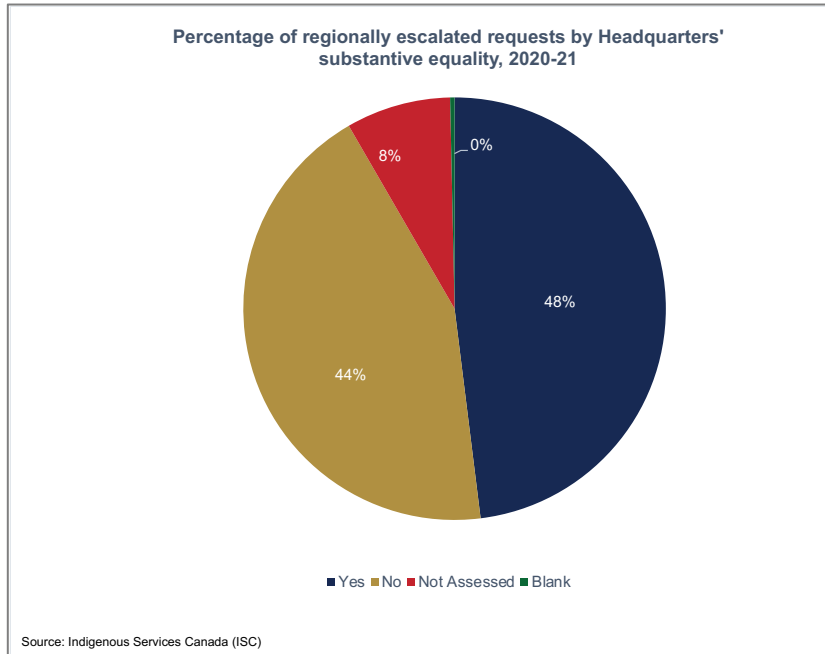


Figure 21

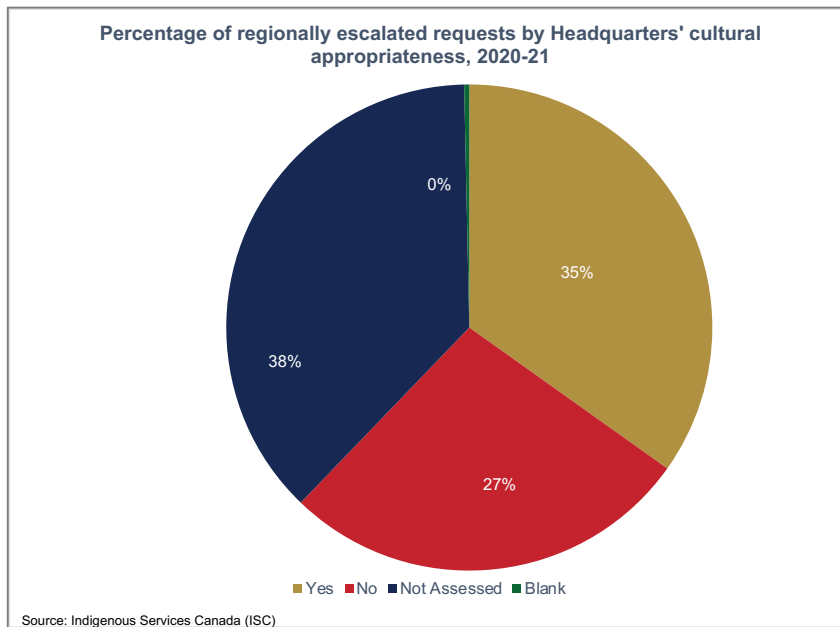
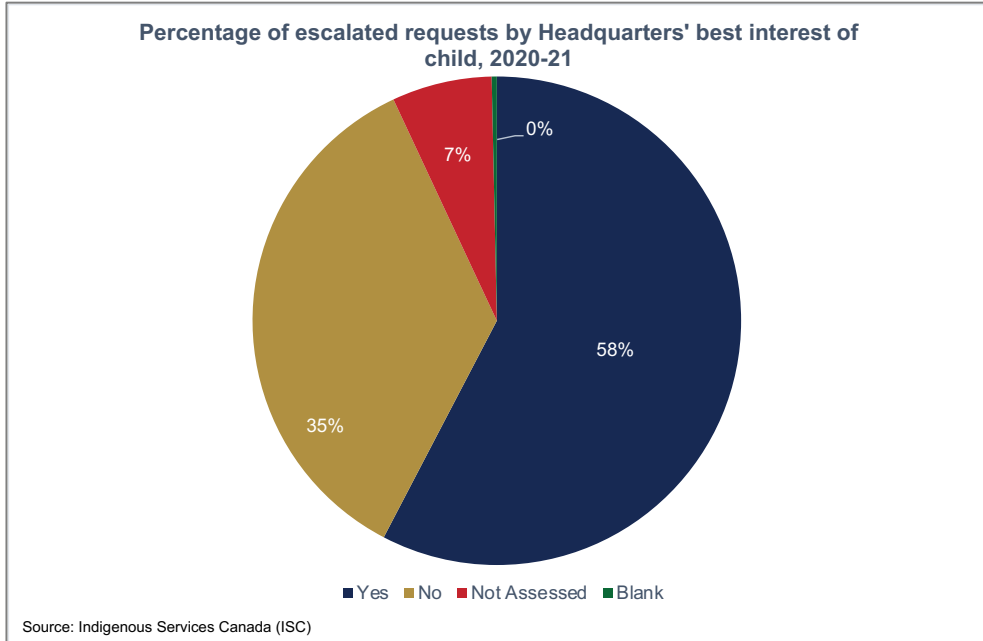


Figure 22



In 2020-21, there were more appeals recorded than in 2019-20 for escalated regional requests that were denied (Figure 23). Of those appealed denials, more were partially or fully approved in 2020-21 than in 2019-20 (Figure 24).

Figure 23

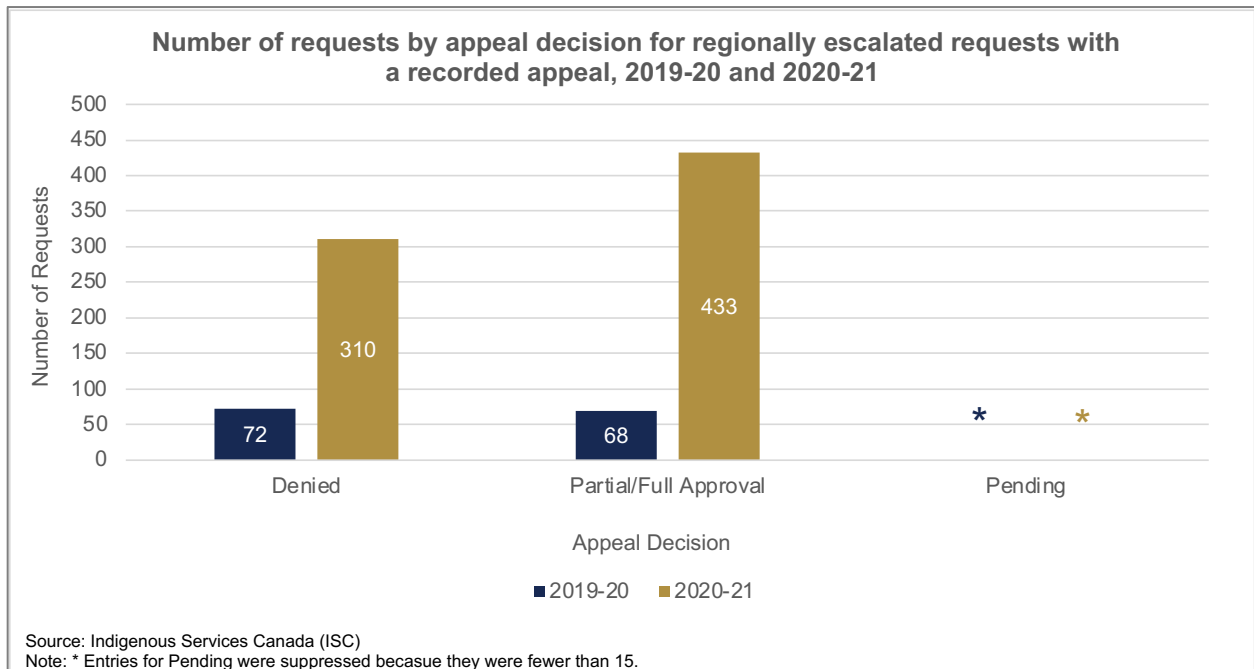
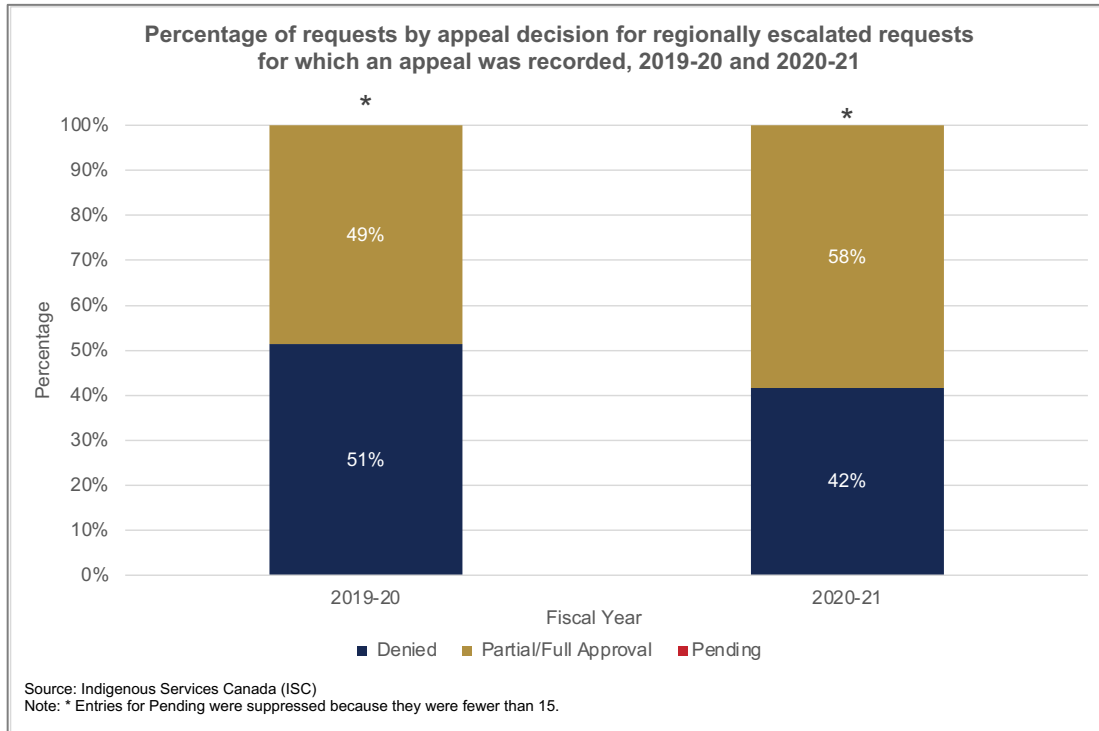


Figure 24



In both fiscal years, less than 5% of requests were deemed to be urgent (Figure 25 and Figure 26). Urgent requests require responses in 12 hours by Canada.

Figure 25

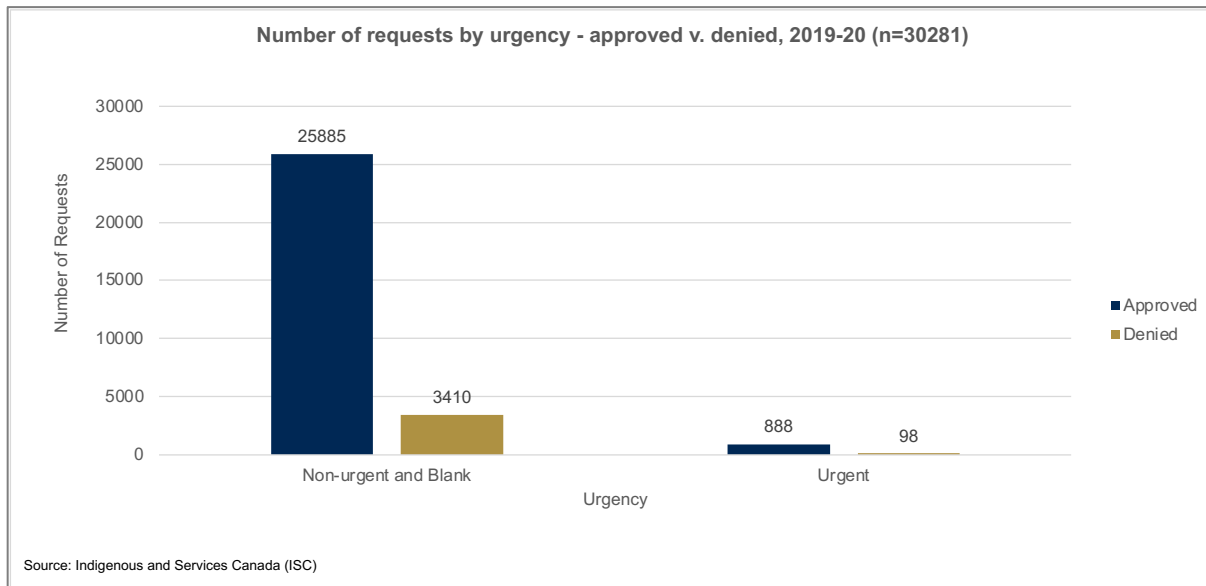
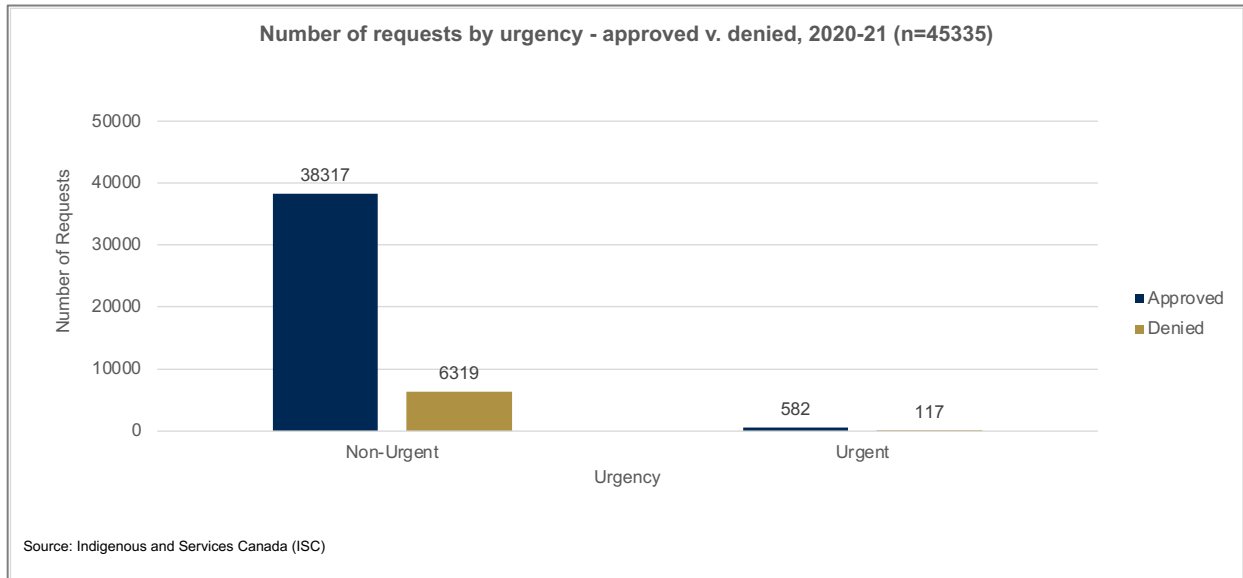
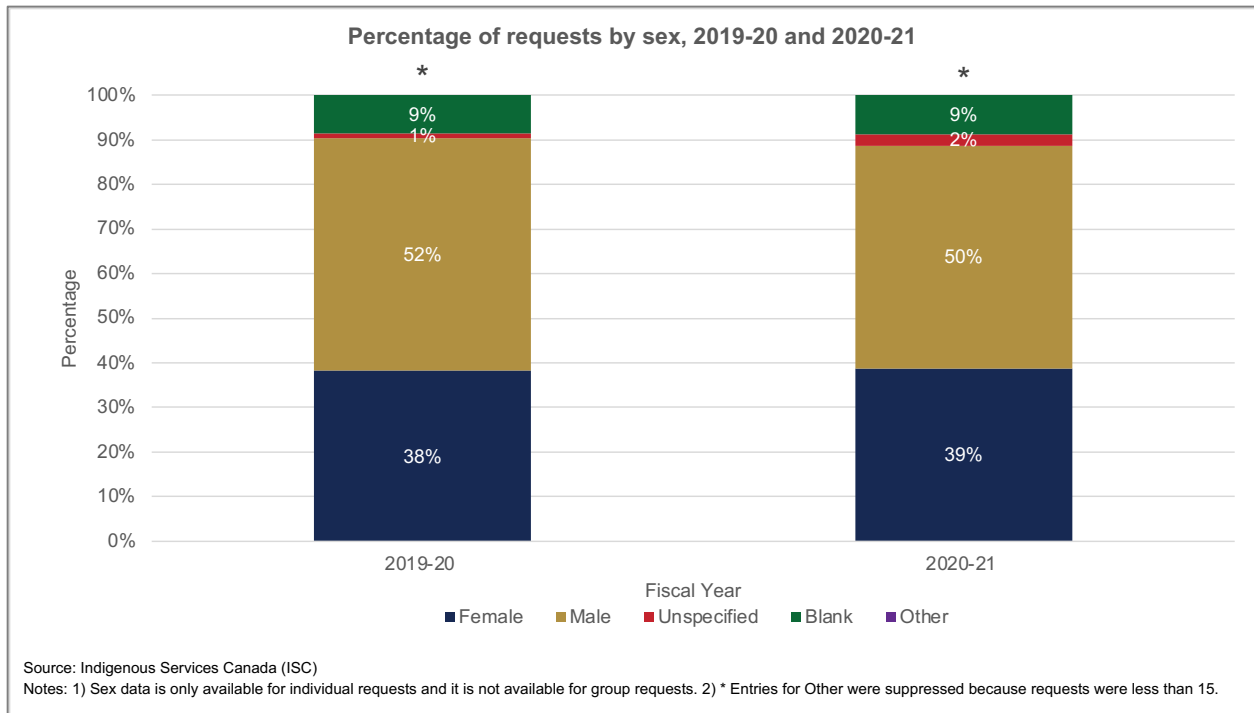


Figure 26



At least half of the requests submitted to Jordan’s Principle were for male children (Figure 27).

Figure 27



Most requests are for products or services with costs below \$5,000 (Figure 28). Approved requests reflected a similar percentage breakdown (Figure 29).

Figure 28

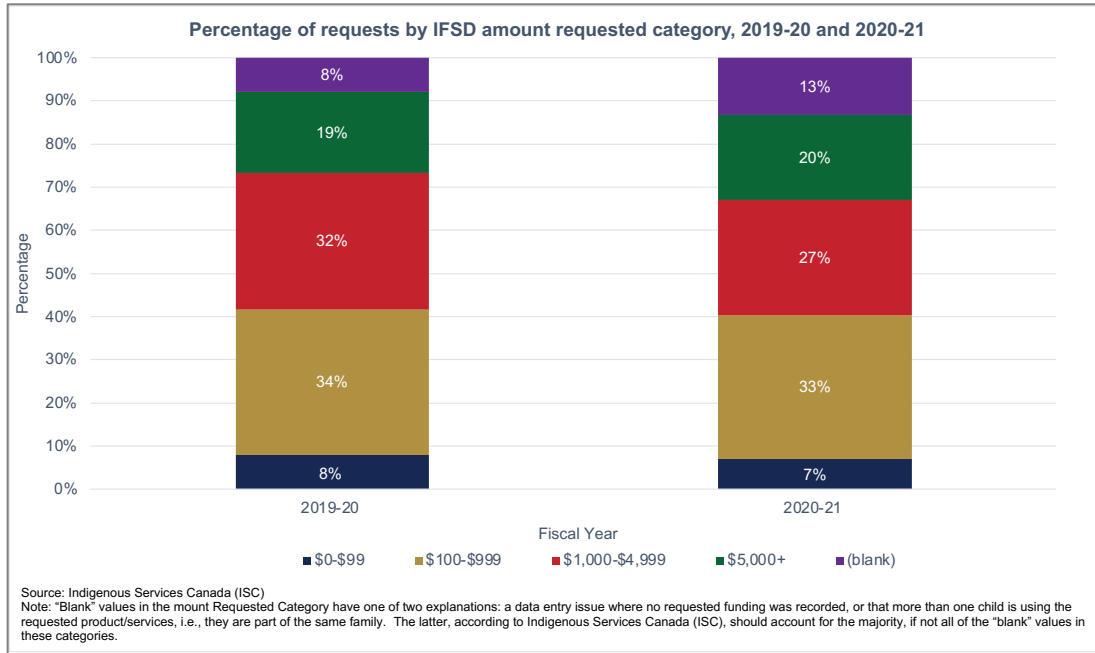
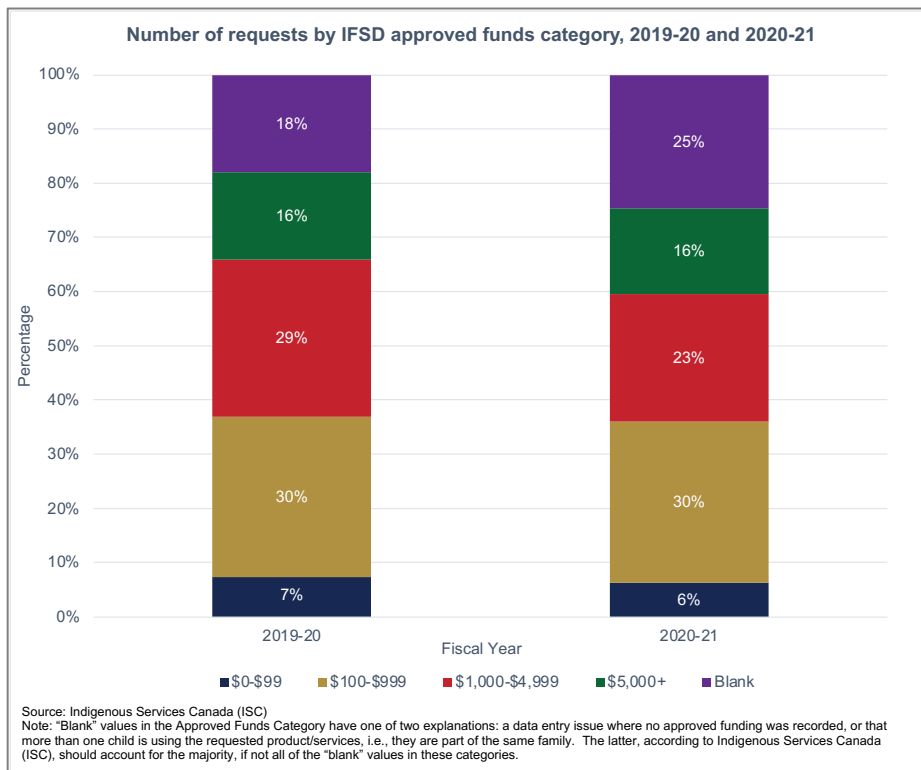


Figure 29



Most requests in fiscal year 2019-20 came from education and medical transportation. In 2020-21, the request categories remained consistent, with healthy child development following closely behind medical transportation (see Figure 30, Figure 31, and Figure 32).

Figure 30

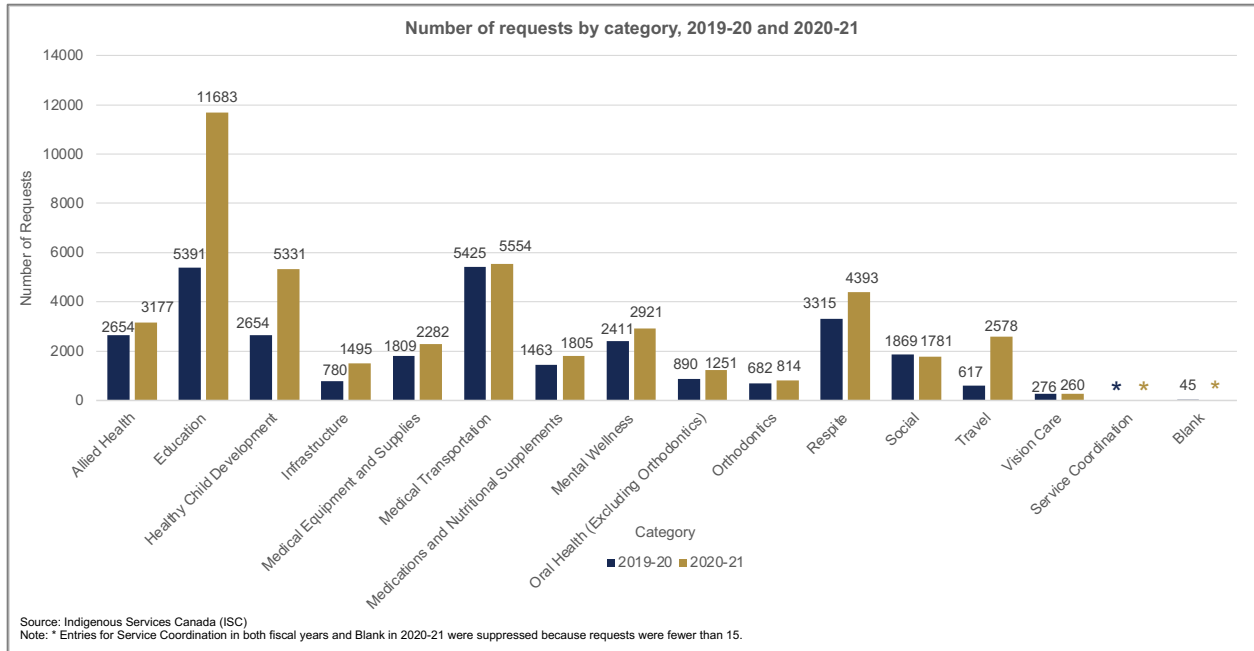


Figure 31

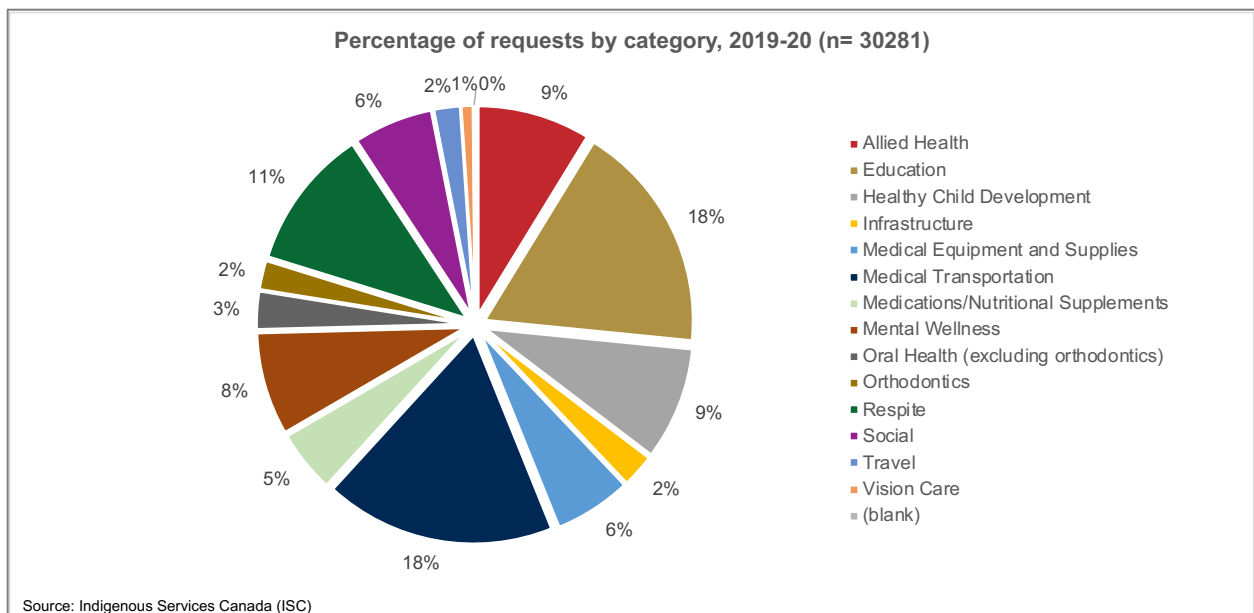
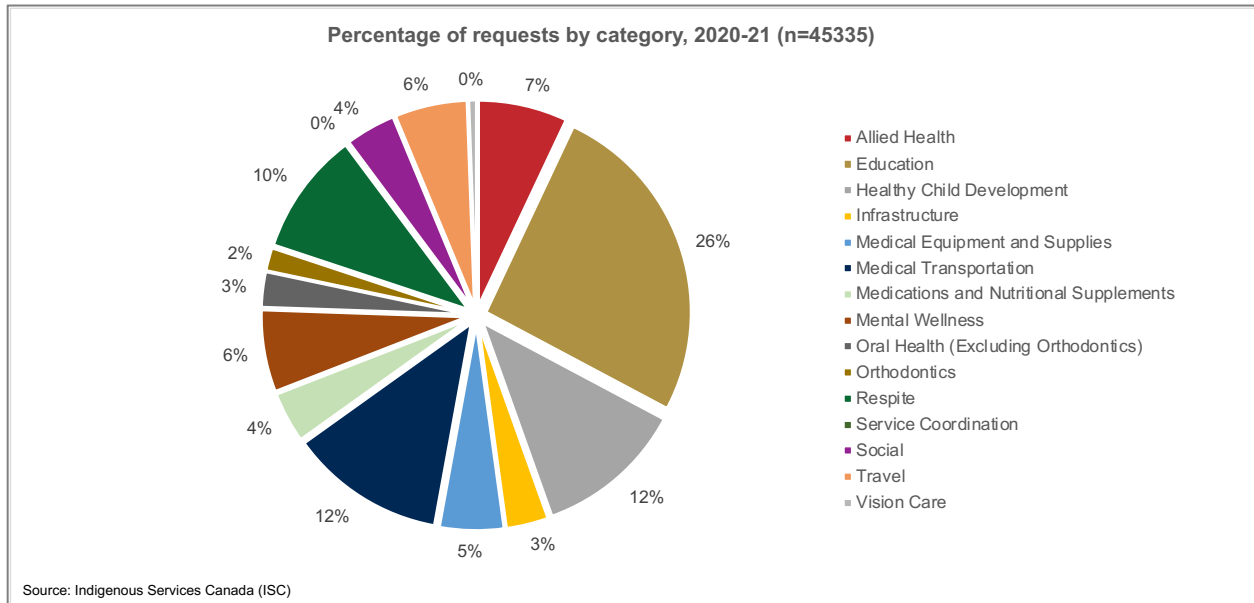


Figure 32



Education, respite, and mental wellness are the categories with the greatest number of requests for products or services valued at more than \$5,000 in both fiscal year 2019-20 and 2020-21. Medical transportation had the highest number of requests for products or services valued at less than \$5,000 in 2019-20, and in 2020-21, it was education (Figure 33 and Figure 34).

Figure 33

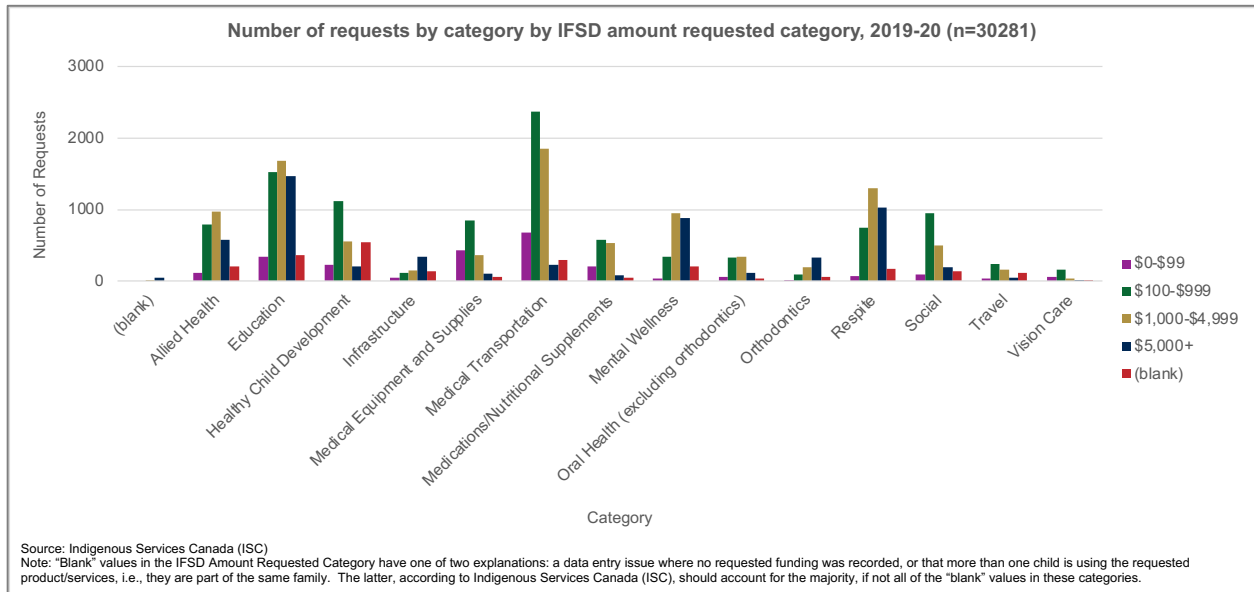
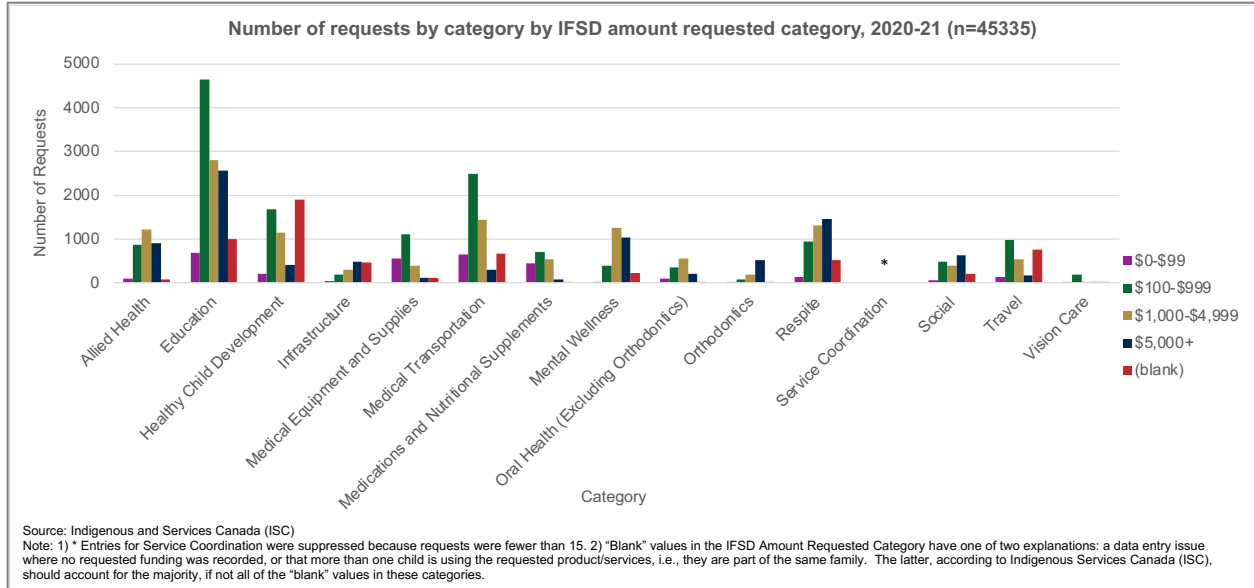


Figure 34



Most funding was approved for fiscal year 2019-20. The largest sources of denials were in infrastructure, orthodontics, and social. In 2020-21, most funding was approved. The largest sources of denials were mainly in orthodontics, followed by infrastructure, healthy child development, and social (Figure 35 and Figure 36).

Figure 35

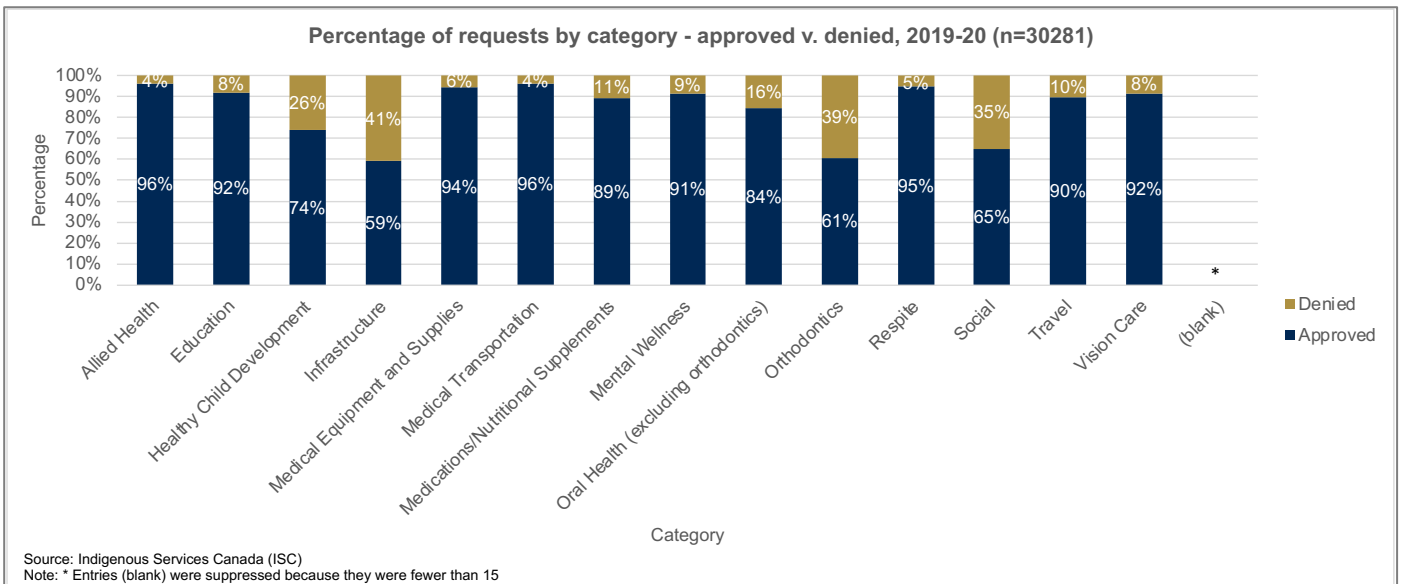
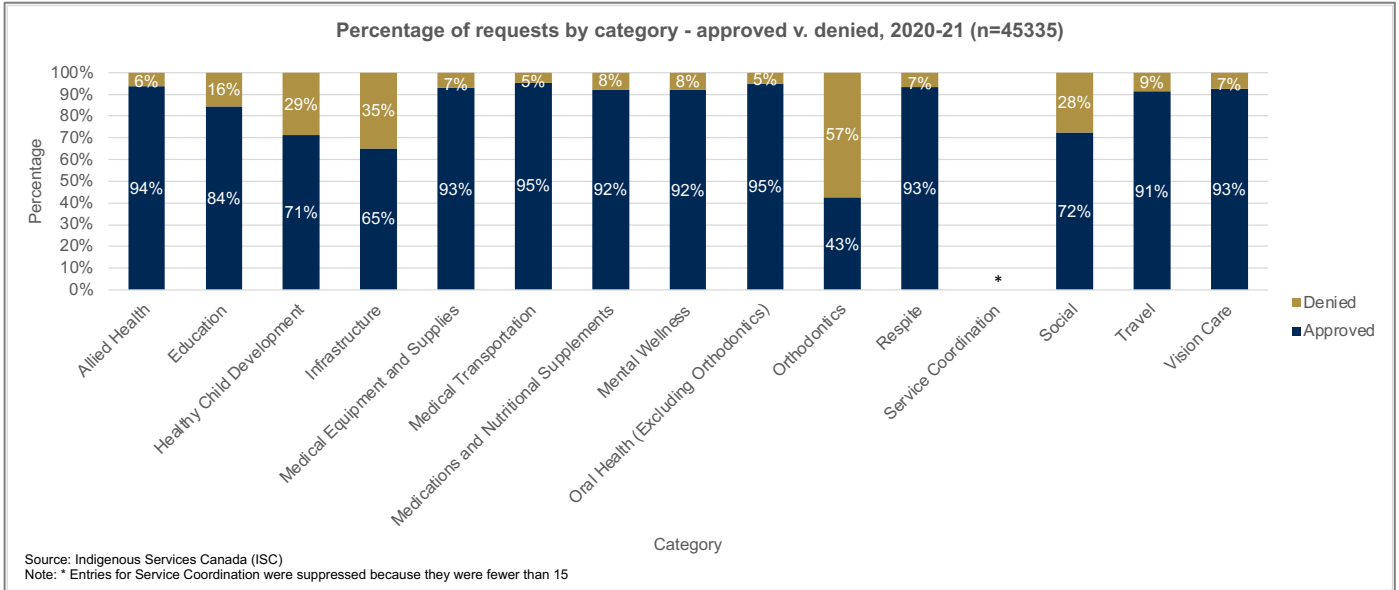
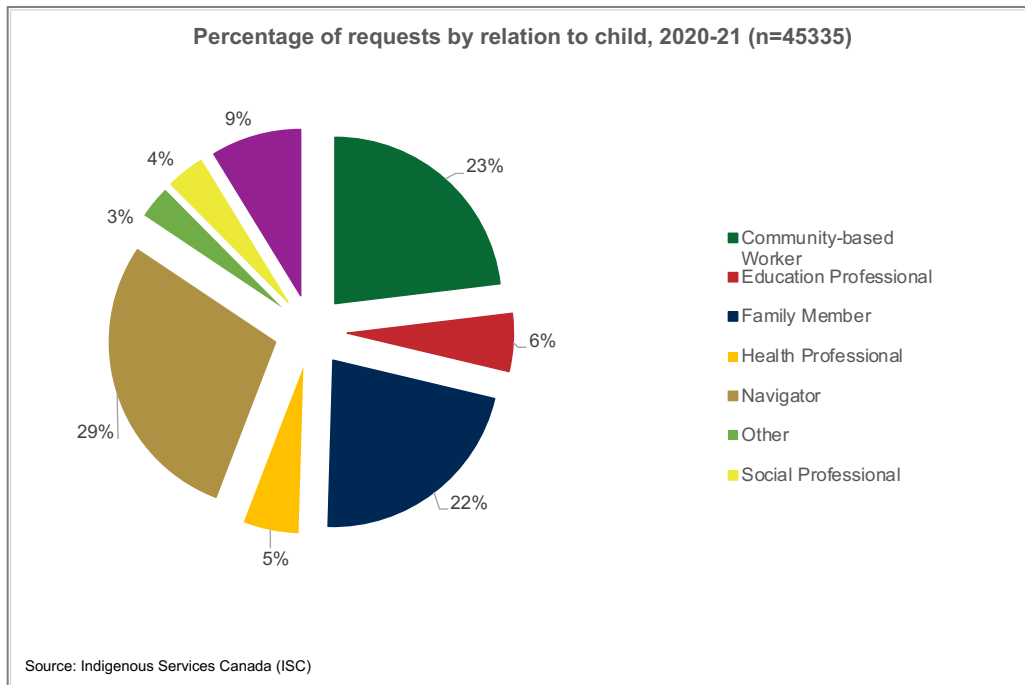


Figure 36



Jordan’s Principle requests require supporting information. On behalf of children needing services, family members, health or education professionals, Jordan’s Principle Navigators, and others may support or prepare the request on their behalf. In 2020-21, Navigators, community-based workers, and family members submitted nearly three-quarters of the requests (Figure 37).

Figure 37



To simplify the analysis, IFSD sorted requestors into three categories: professional (which includes everyone other than family member and other); non-professional (which includes family member); and other and blank. Most requests are submitted by a professional and are approved (Figure 38). When comparing approval rates on a percentage basis within the individual categories, family members have a lower approval rate than professionals and other and blank (Figure 39).

Figure 38

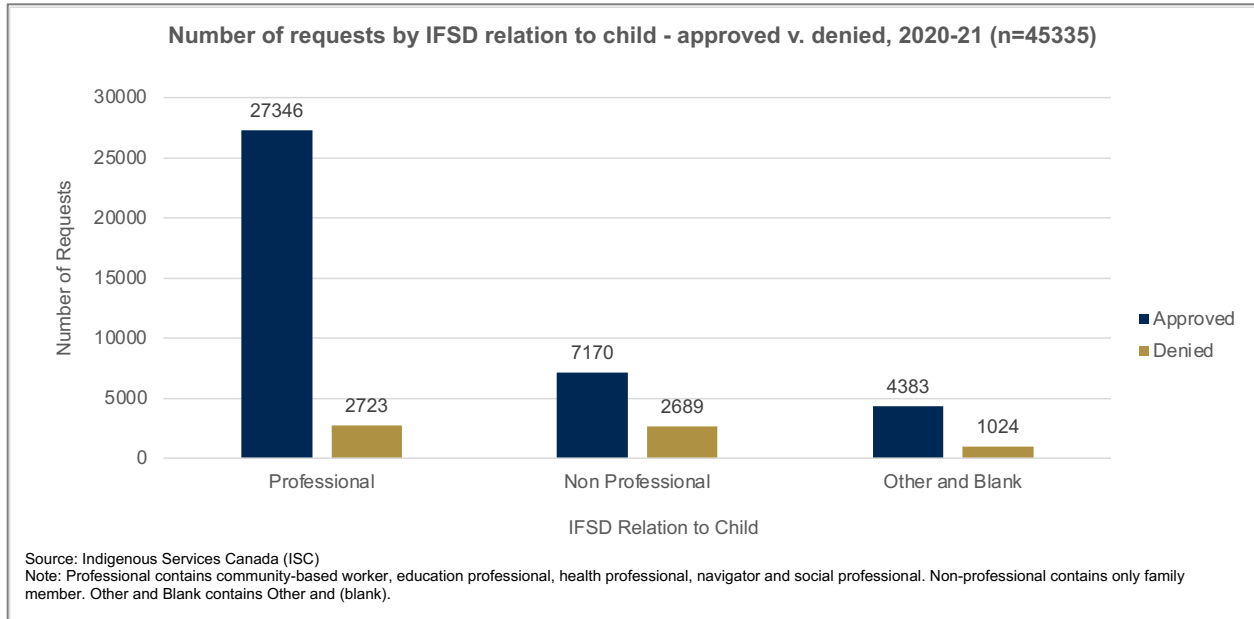
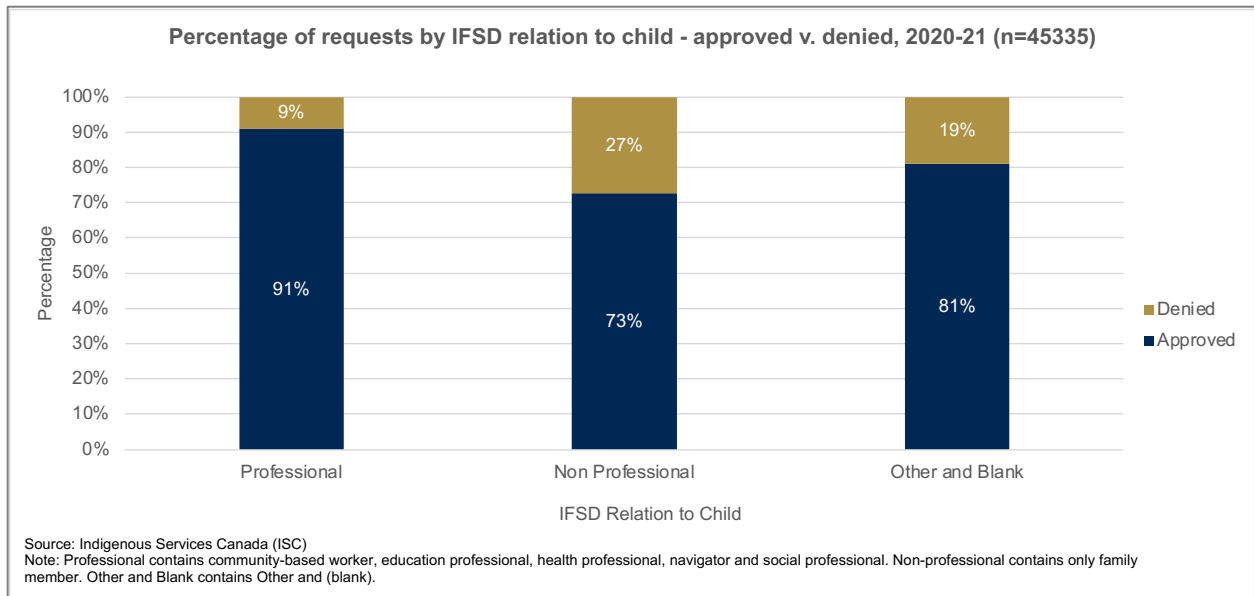
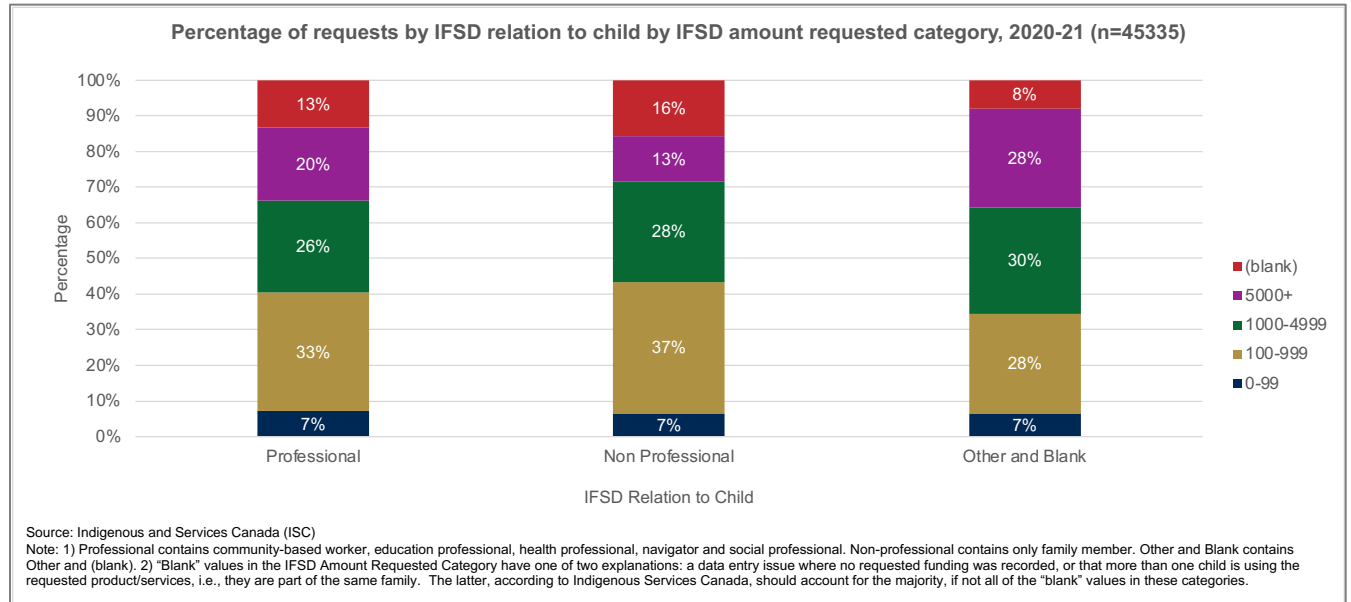


Figure 39



Requests by expenditure are fairly similar between professional and family members for amounts less than \$5,000. Other and blank entries have nearly 30% of their requests for amounts above \$5,000, with professionals at 20%, and family members at 13% (Figure 40).

Figure 40



Decision timelines

When a request for an individual is submitted to Jordan's Principle, Canada has 48 hours to provide a response. If the request is urgent, the response requirement is 12 hours. For group requests, Canada has two weeks to respond and 48 hours if the group request is urgent.

The majority of individual requests have a final decision rendered in 0-2 days, although a significant number can take between 8-30 days to adjudicate, for both fiscal years 2019-20 and 2020-21 (Figure 41 and Figure 42).

Figure 41

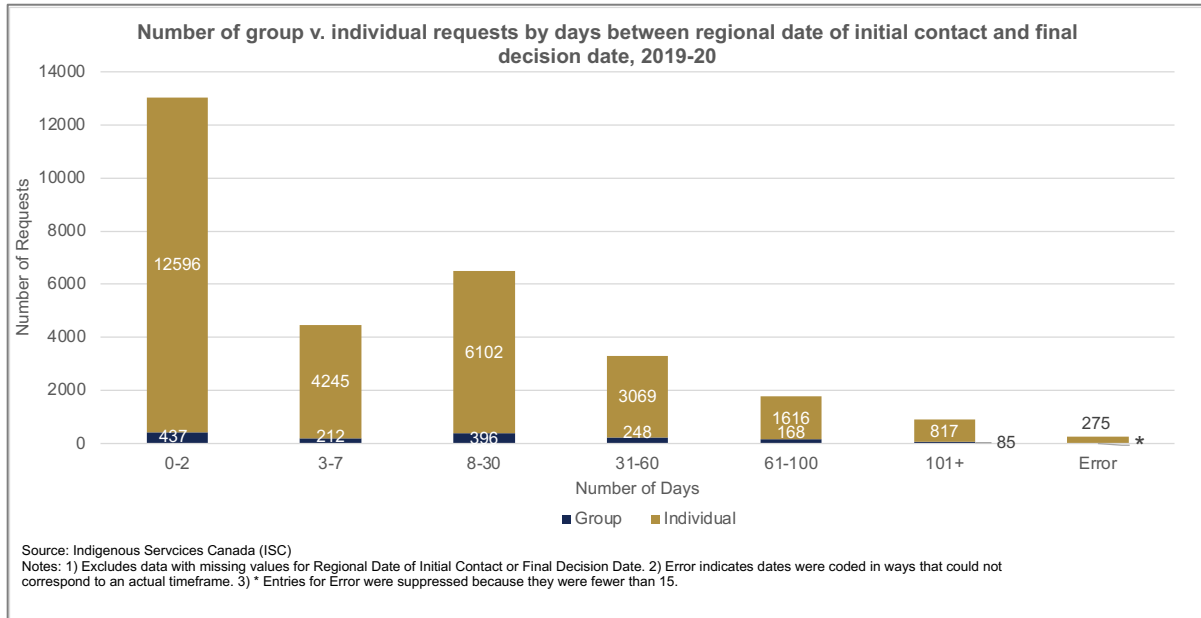
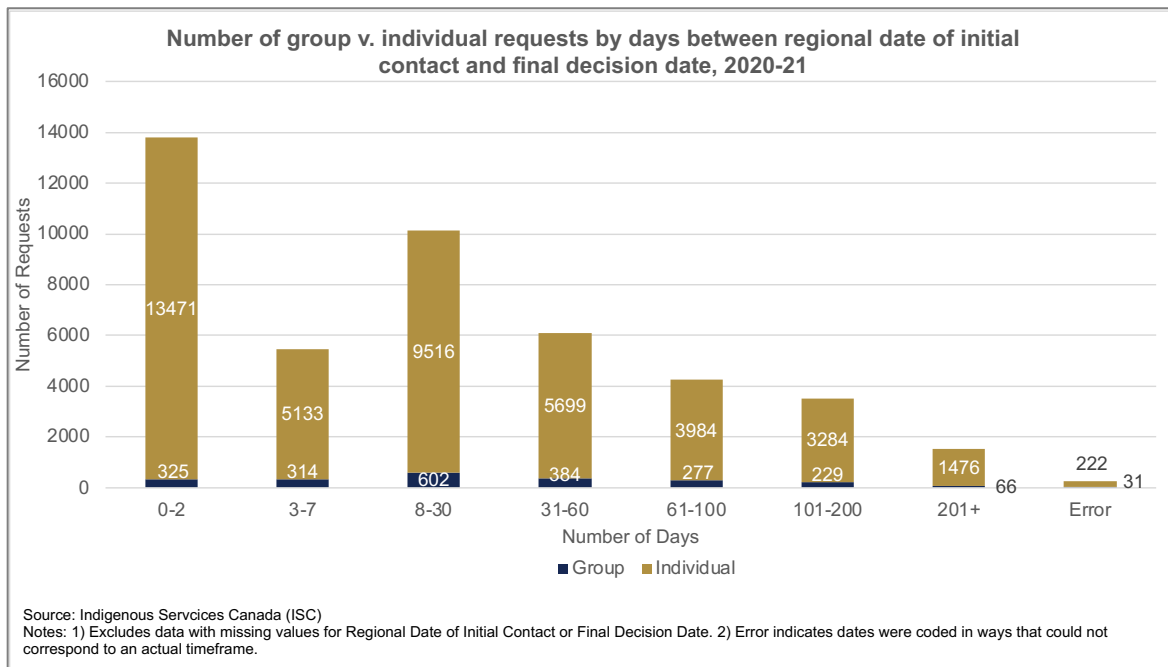


Figure 42



There is variability across provinces and territories in timelines. Across both fiscal years, Quebec and Manitoba appear to render most of their regional decisions in 0-2 days, making them the fastest of the provinces and territories (Figure 43 and Figure 44).

Figure 43

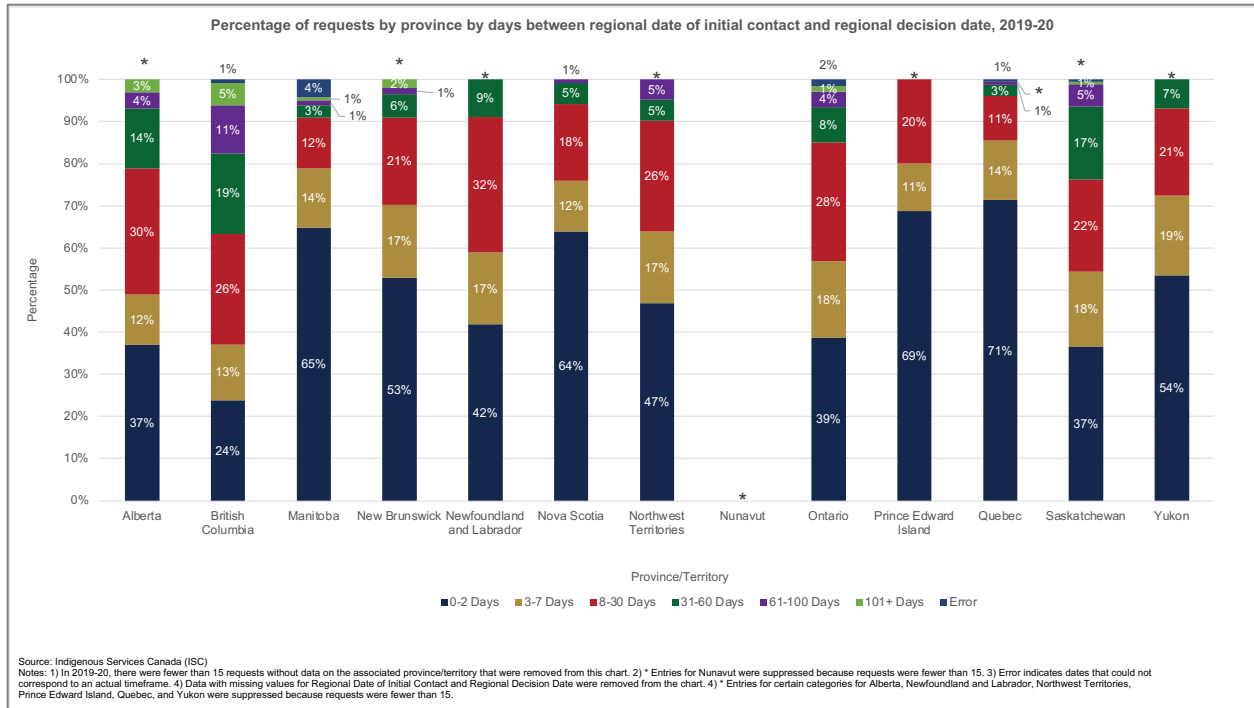
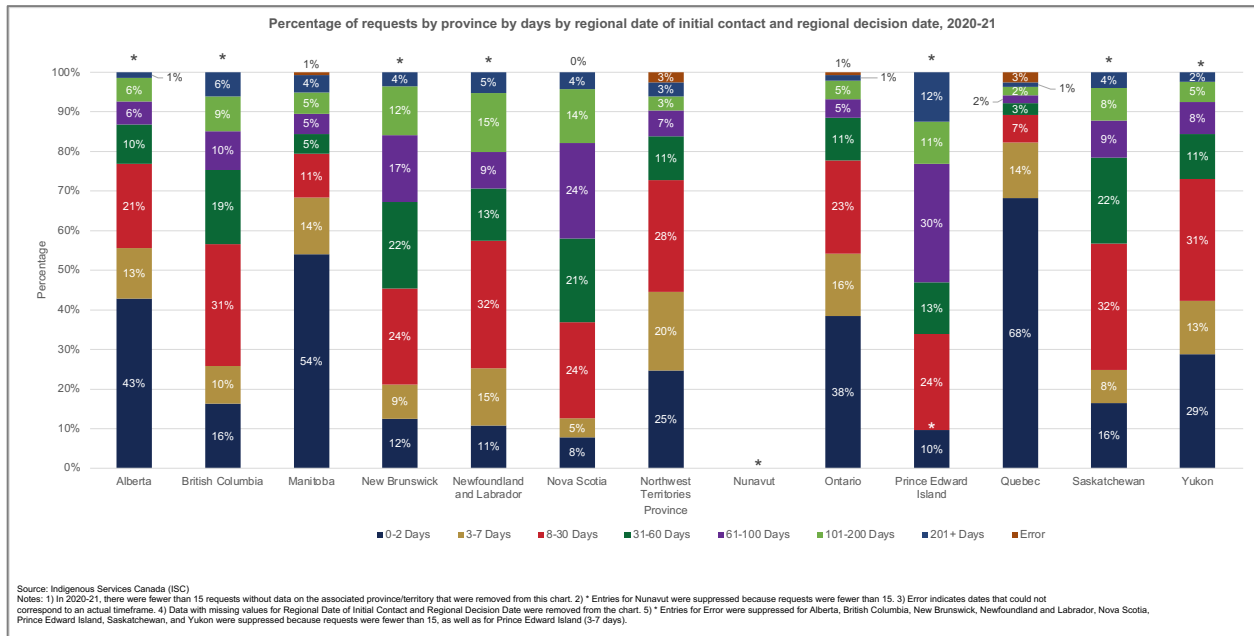
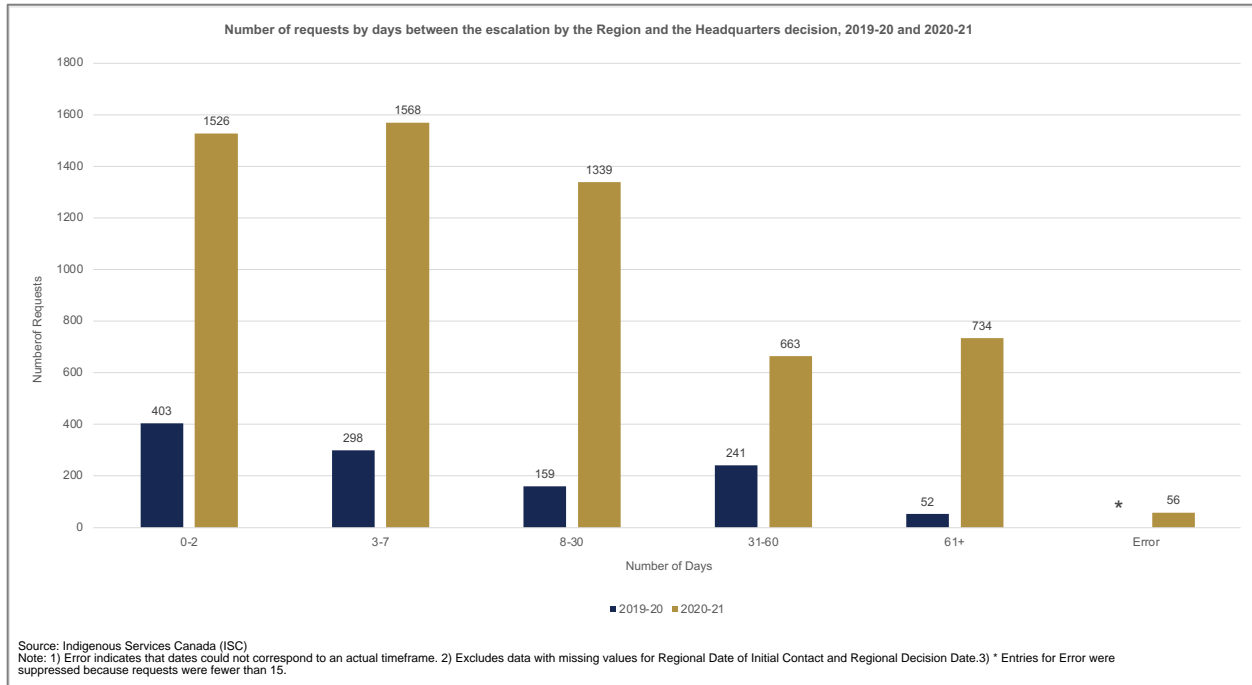


Figure 44



When requests are escalated, most received a final decision from headquarters in 0-7 days in 2019-20 and 2020-21 (Figure 45).

Figure 45



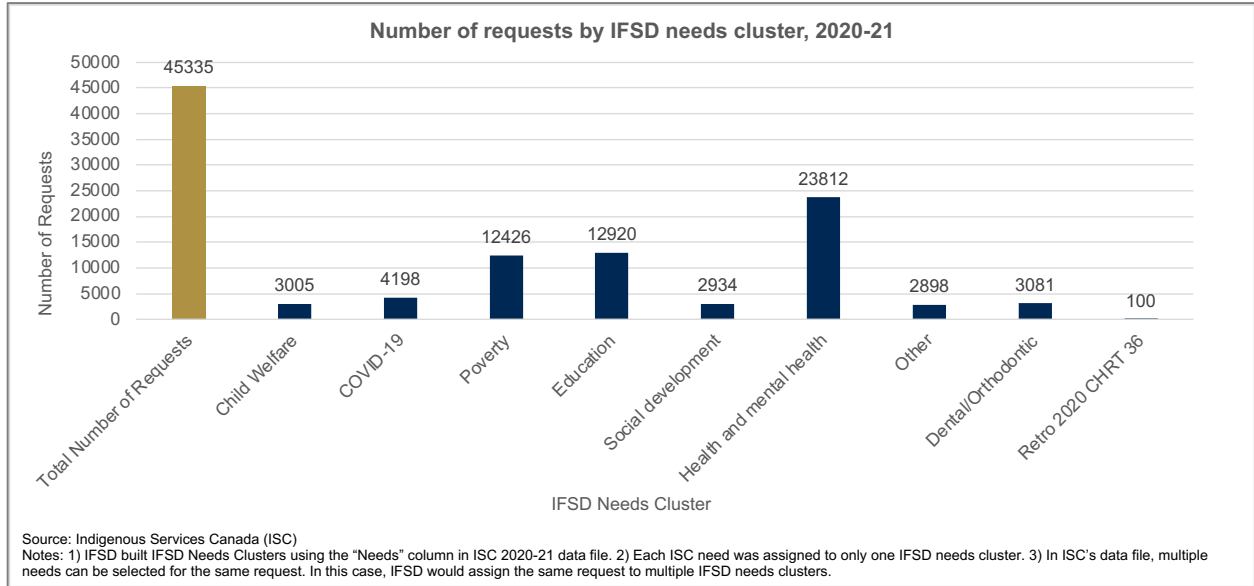
IFSD needs cluster analysis

IFSD developed a set of needs-based categories from the GC Case ‘need’ variable only available for fiscal year 2020-21. The categories were developed by clustering related indicators from the original 267 defined in GC Case (see Appendix B for the categories and their associated indicators): education; health and mental health; poverty; social development; dental/orthodontic; retro 2020 CHRT 36; and other. The needs-analysis was undertaken to try to understand why requests were being made through Jordan’s Principle.

While issues or services were identified in the GC Case needs category, they were insufficient to confirm the root cause of the request. The only IFSD cluster that could potentially identify root causes of need was poverty, which included indicators such as: affordability, unspecified low-income, unspecified financial, malnutrition, etc. Other indicators from the GC Case ‘need’ variable, such as, unspecified seizure, tooth decay, difficulty with writing, stuttering, mental, preserving family integrity, etc., do not explain the root cause of why the product or service was being requested through Jordan’s Principle or why it was inaccessible through existing programs. Was it a one-time unaffordable or inaccessible product or service that was required? Was the root cause chronic or acute? Could the issue or need be addressed through other programs or services? If yes, why was it not? Refinements to data collection and analysis on Jordan’s Principle should capture the root cause of need to better understand gaps in other program areas.

Among the IFSD needs clusters, health and mental health had the largest number of requests (nearly 24,000), followed by education (nearly 13,000), and poverty (nearly 12,500) (Figure 46).

Figure 46



While most requests were approved (Figure 47), the highest instances of denial were in the health and mental health and poverty clusters (Figure 48). On a percentage basis, the highest proportion of denials were associated to the COVID-19 and poverty needs clusters.

Figure 47

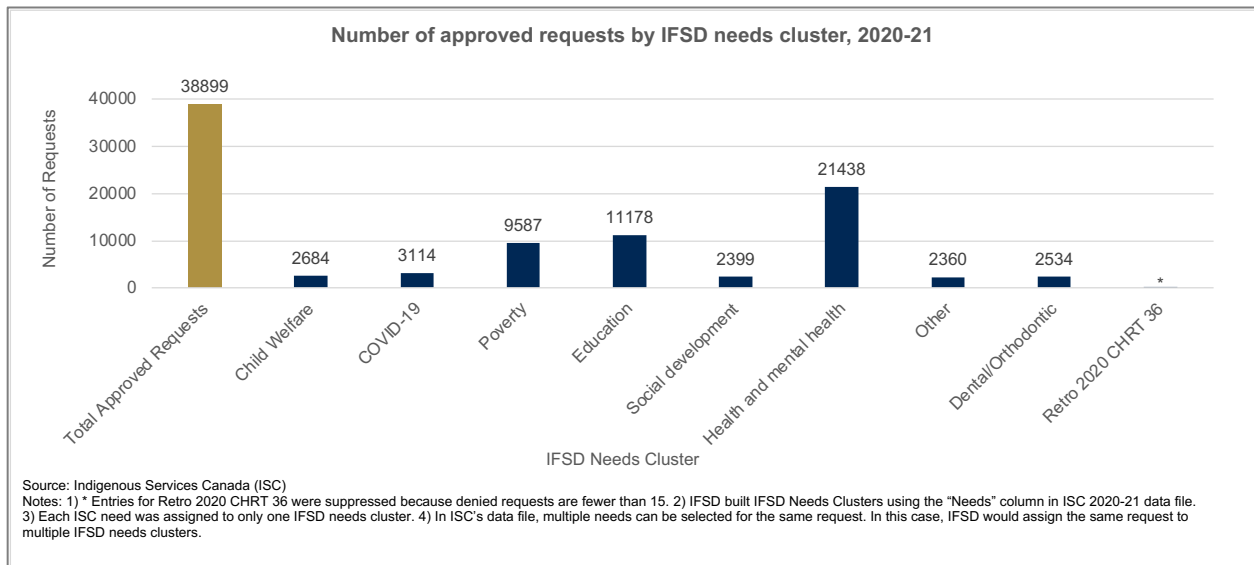
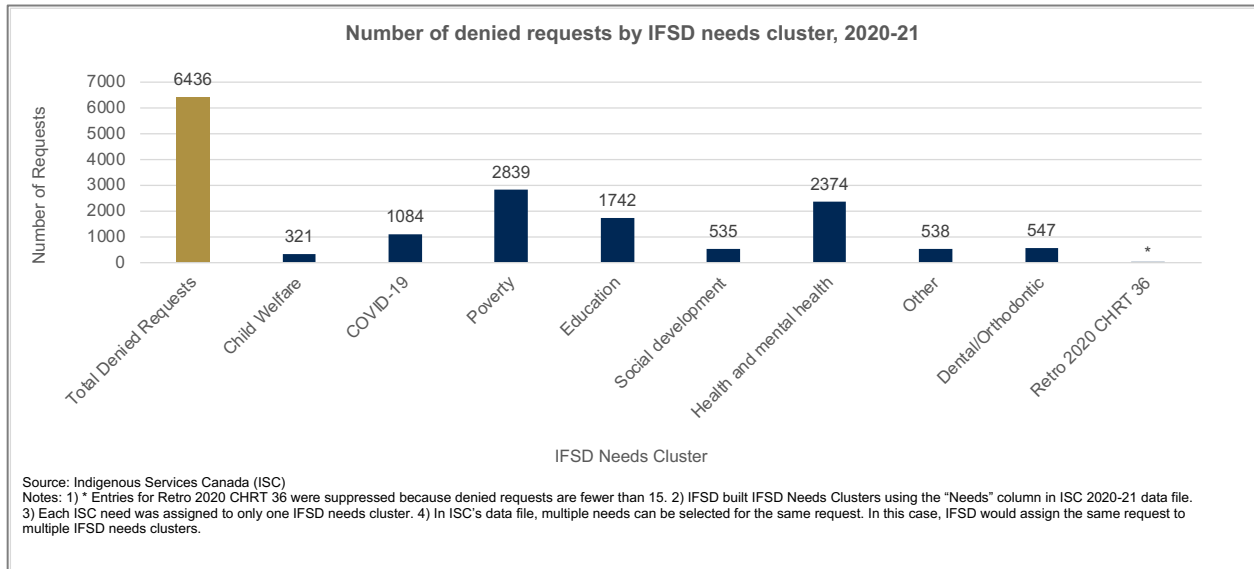


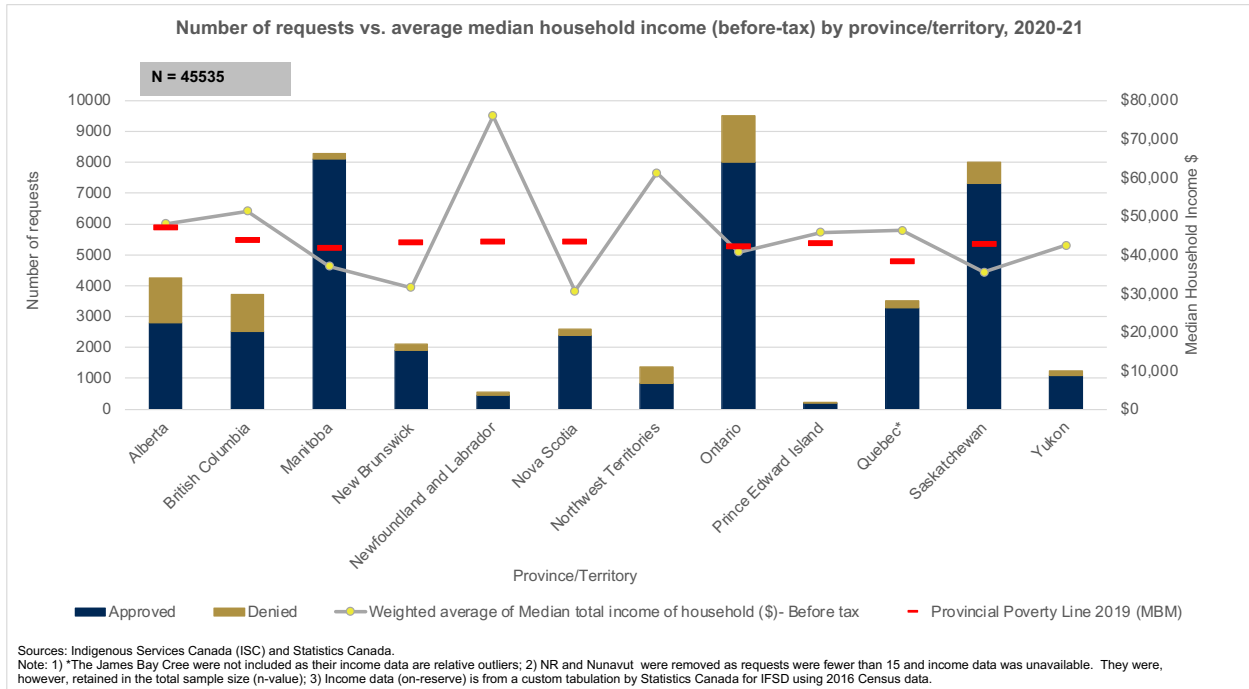
Figure 48



Jordan’s Principle was not designed to be an income support or supplement program for parents. There are, however, interesting tendencies when the number of requests is considered relative to total median household income (for First Nations on-reserve only) and the market basket measure (2019)⁶⁴ as the poverty line. The three provinces with the largest number of requests, Ontario, Manitoba, and Saskatchewan have total median household incomes below their respective provincial poverty lines (Figure 49). This tendency does not hold for some of the Atlantic provinces, as their numbers of requests are not as high as other regions, despite having a total median household income below their mixed basked measure poverty lines.

⁶⁴ Cost of a basket of goods to produce a modest basic standard of living for a reference family (two adults; two children), developed by ESDC and informed by food, shelter, transportation. A household with disposable income less than the threshold for their region and community size would be living in poverty. “Market Basket Measure (MBM), Dictionary, Census of Population, 2016, Statistics Canada, updated on: September 13, 2017 (webpage last modified on January 3, 2019), <https://www12.statcan.gc.ca/census-recensement/2016/ref/dict/pop165-eng.cfm>.

Figure 49



18+ requests

The age of majority in Canadian provinces and territories differs between 18 and 19 years of age. Even though a young person may be at or past the age of majority, they may still have special needs or circumstances that require additional supports. In Jordan’s Principle, there is a category of request tagged as 18+.

At a national level, there were slightly more denied than approved requests in fiscal year 2020-21. When considered on a regional basis, the Atlantic provinces in 2019-20 had a significant percentage of approved requests for 18+ at 88% and the lowest being Manitoba at 27% (Figure 51). The Atlantic provinces continued to lead in the percentage of approved requests in 2020-21, with Alberta behind the other regions in approved requests (Figure 52).

Figure 50

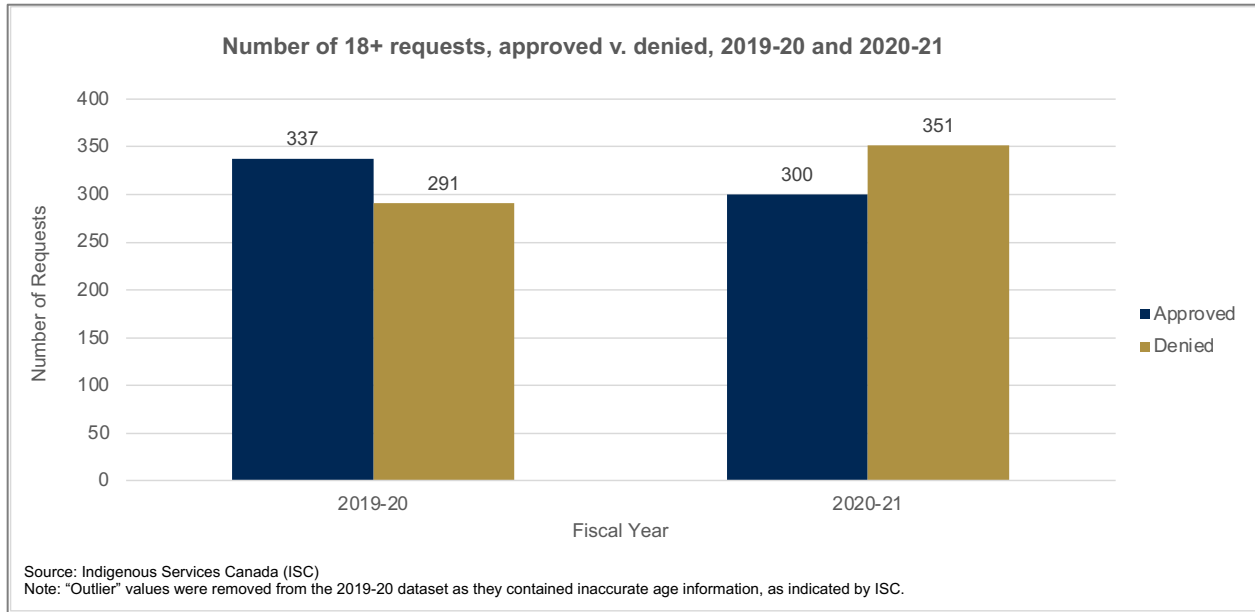


Figure 51

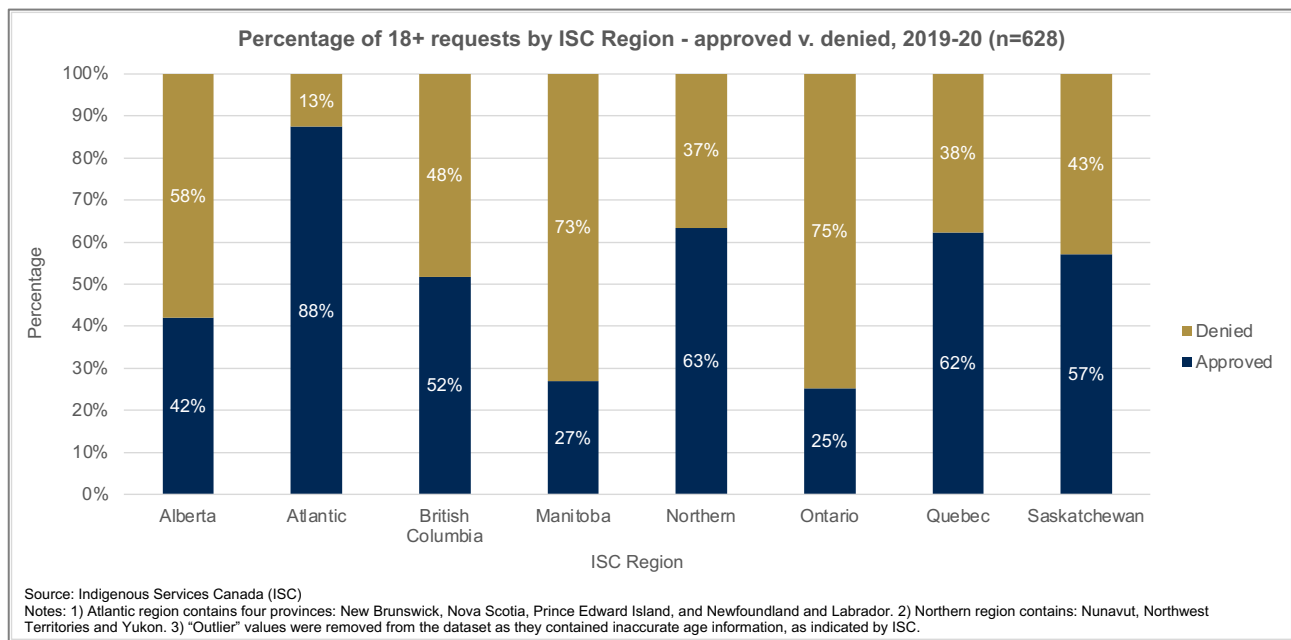
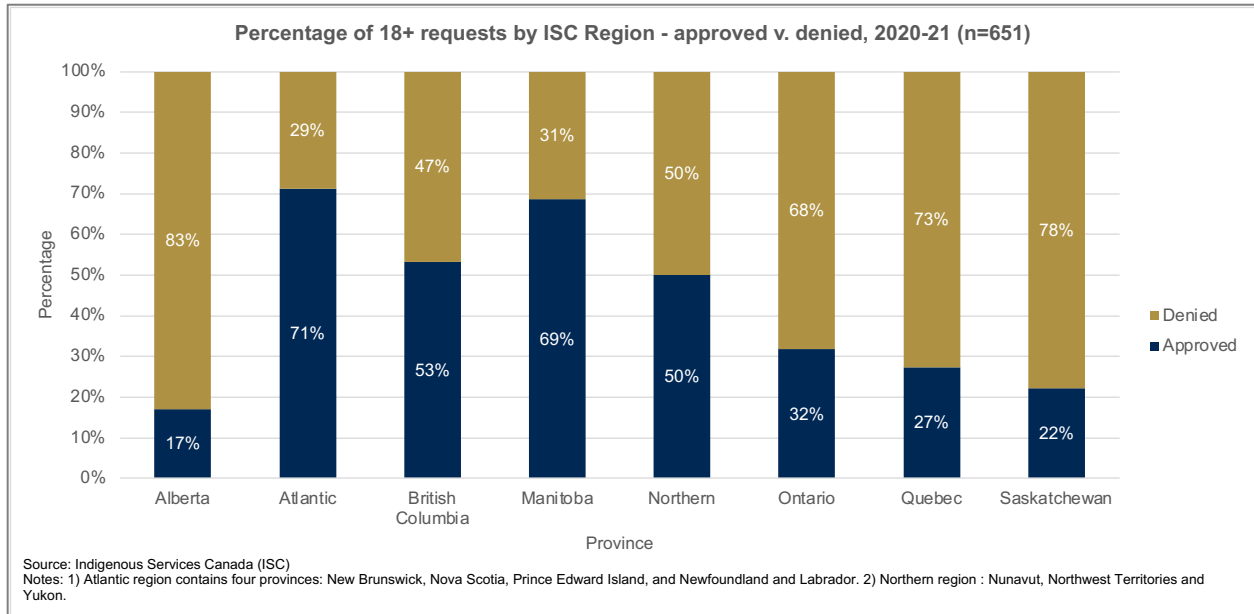


Figure 52



Medical transportation was in both 2019-20 and 2020-21 the category with the largest percentage of approved requests (Figure 53 and Figure 54). Orthodontics received the fewest approvals in 2019-20.

Figure 53

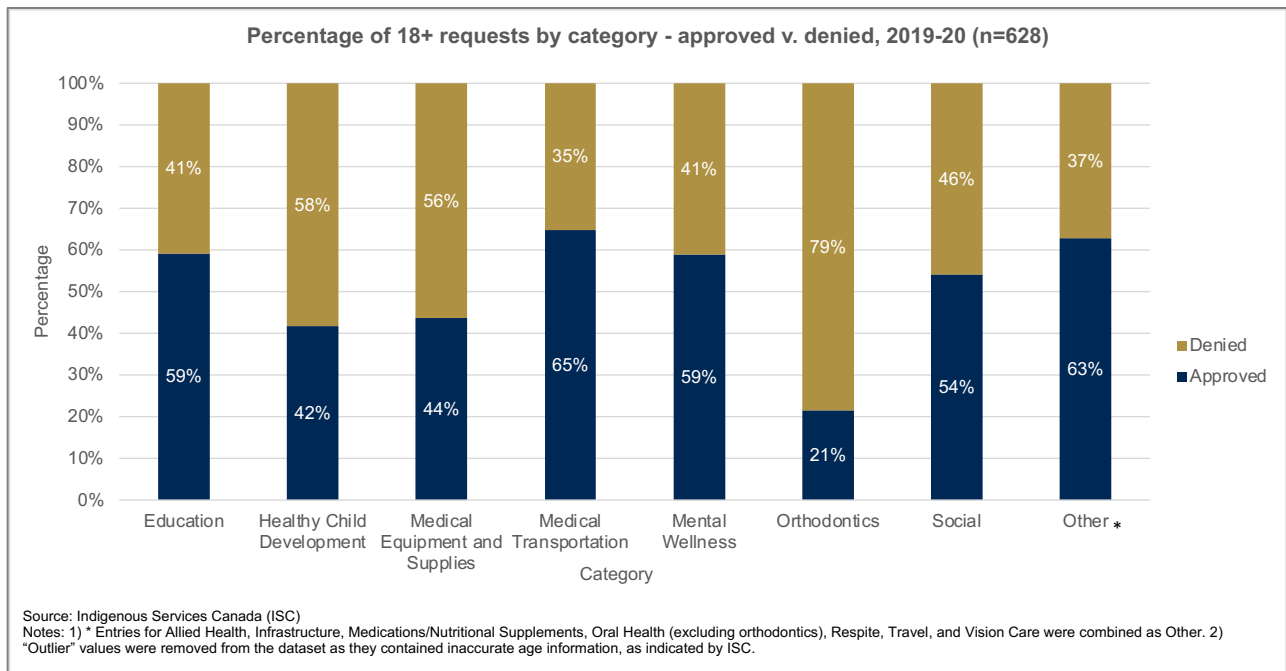
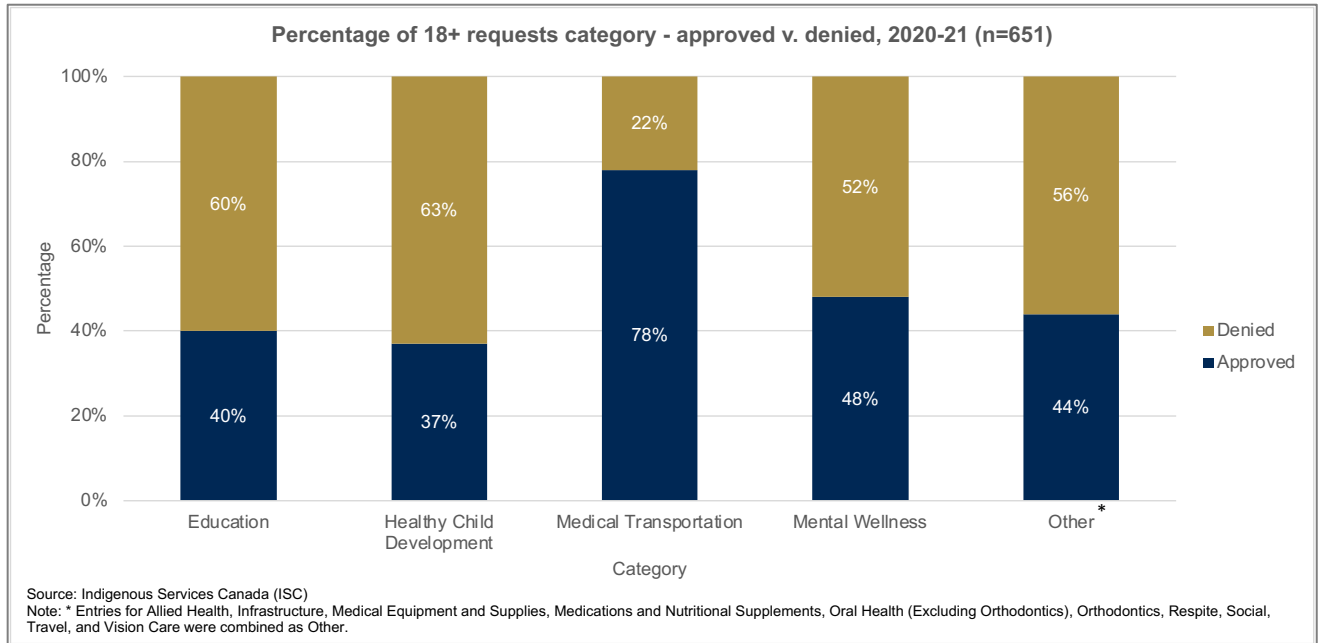


Figure 54



While most 18+ requests are for items below \$5,000, roughly 20% of requests are for amounts above \$5,000 in both fiscal years (Figure 55 and Figure 56).

Figure 55

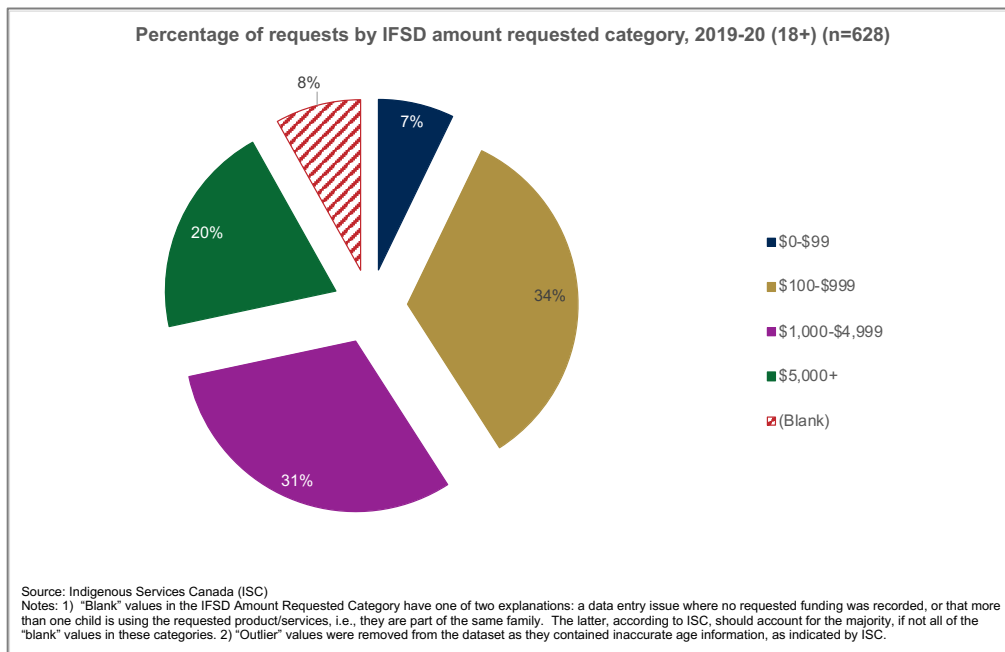
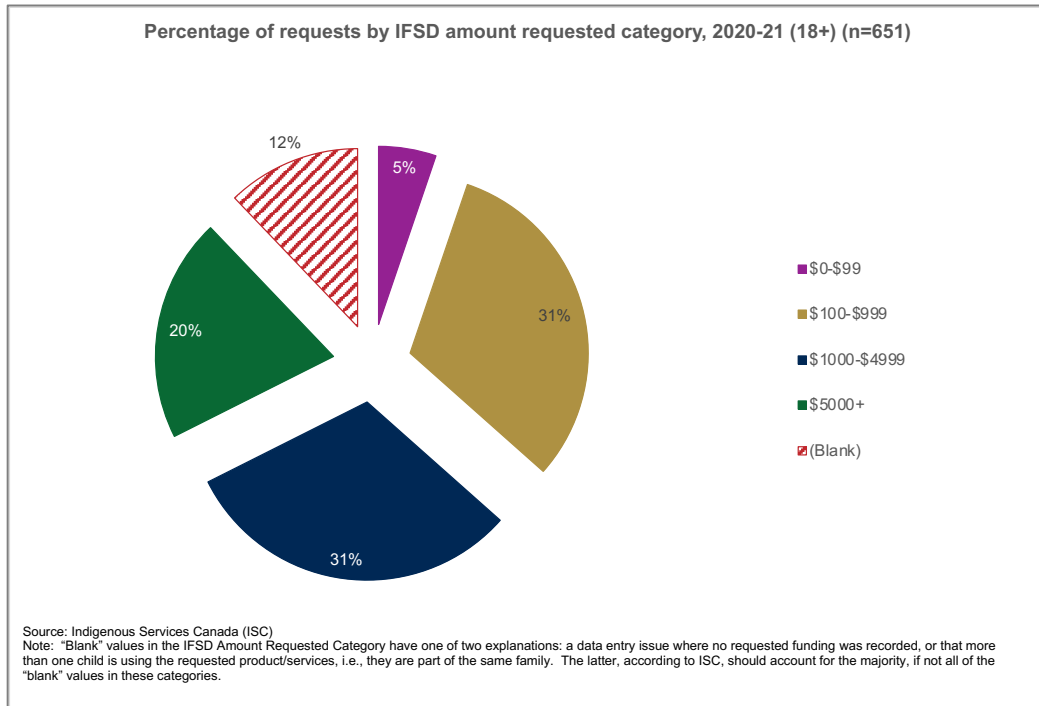


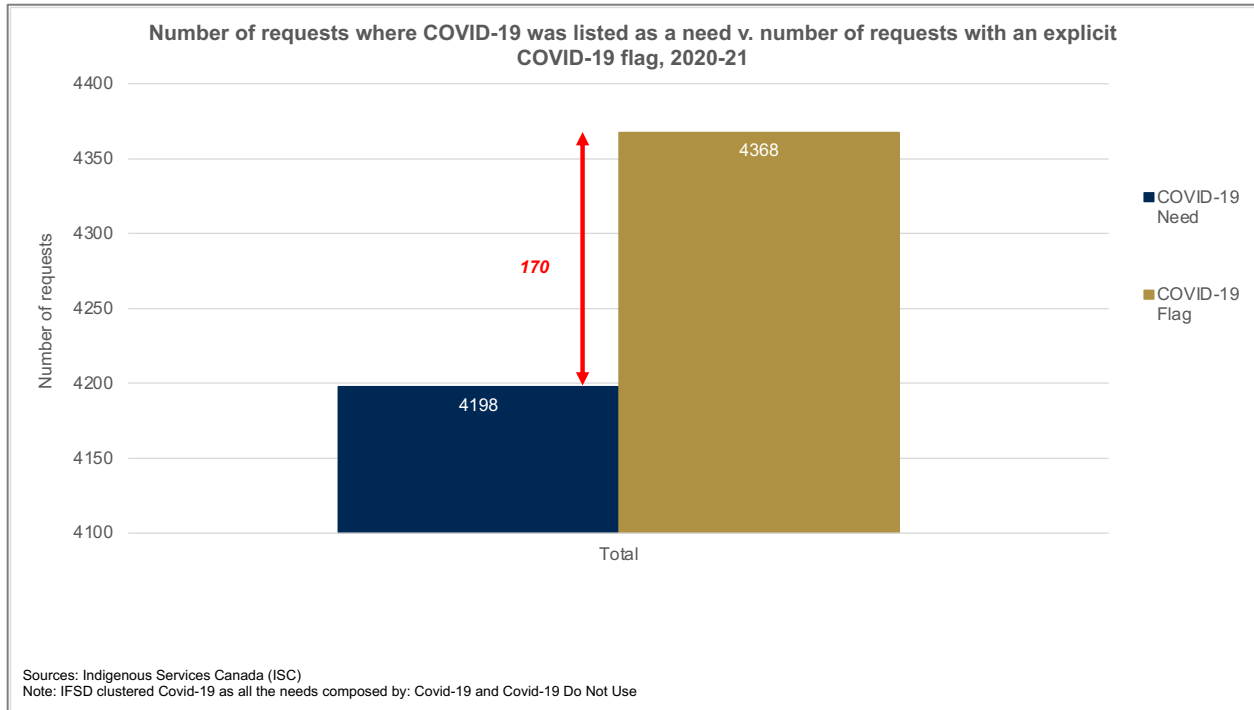
Figure 56



COVID-19 analysis

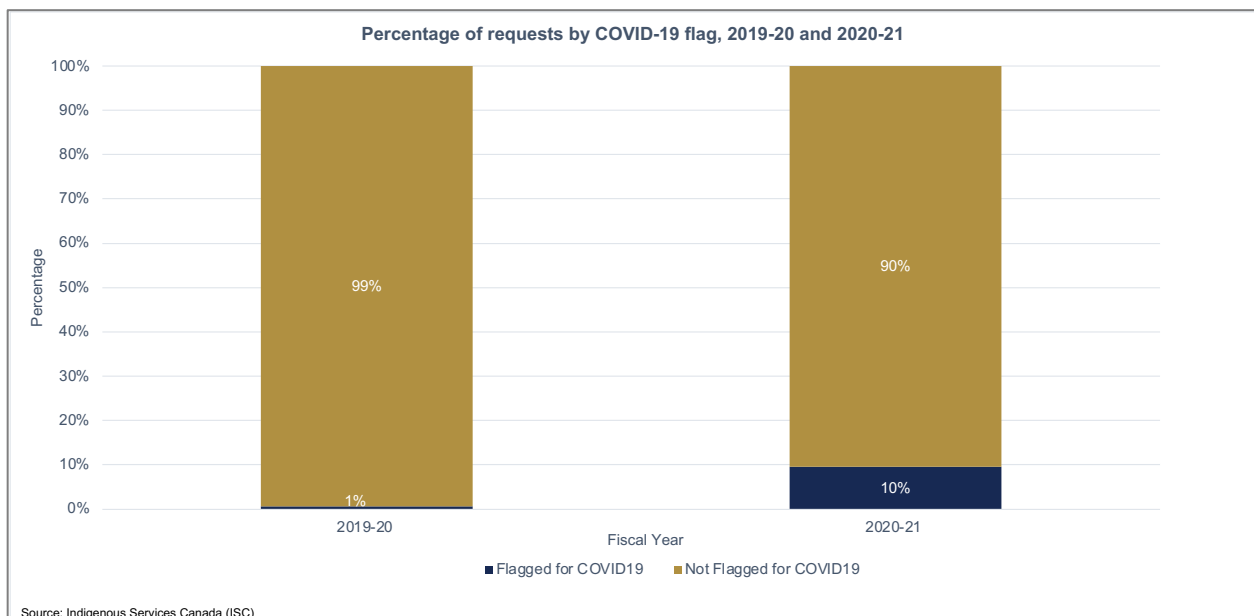
In the GC Case dataset for 2019-20 there was a 'flag' for COVID-19 and in 2020-21, there were two tags for a COVID-19 related requests: 1) COVID-19 'flag,' included by ISC in the GC Case data set (as in 2019-20); 2) COVID-19 'need,' a category identified by IFSD from the 'needs' category of the GC Case data set. In 2020-21 most requests with a COVID-19 'flag,' also had a COVID-19 'need' selected. To check the uses of the tags in 2020-21, IFSD compared entries with a 'flag' and a 'need.' Most COVID-19 related requests in 2020-21 had both a 'flag' and a 'need.' There were 170 requests in 2020-21 that did not have both a flag and need associated to the entry (Figure 57). The difference for this analysis is not material, subsequently, both the 'flag' and 'need' categories are used in the analysis below.

Figure 57



In 2019-20, roughly 1% of requests were flagged for COVID-19, which grew to approximately 10% in 2020-21 (Figure 59).

Figure 58



On a regional basis (as defined by ISC⁶⁵), most denied COVID-19 requests in 2019-20 and 2020-21 were from the Northern region (i.e., territories) (Figure 59 and Figure 60).

Figure 59

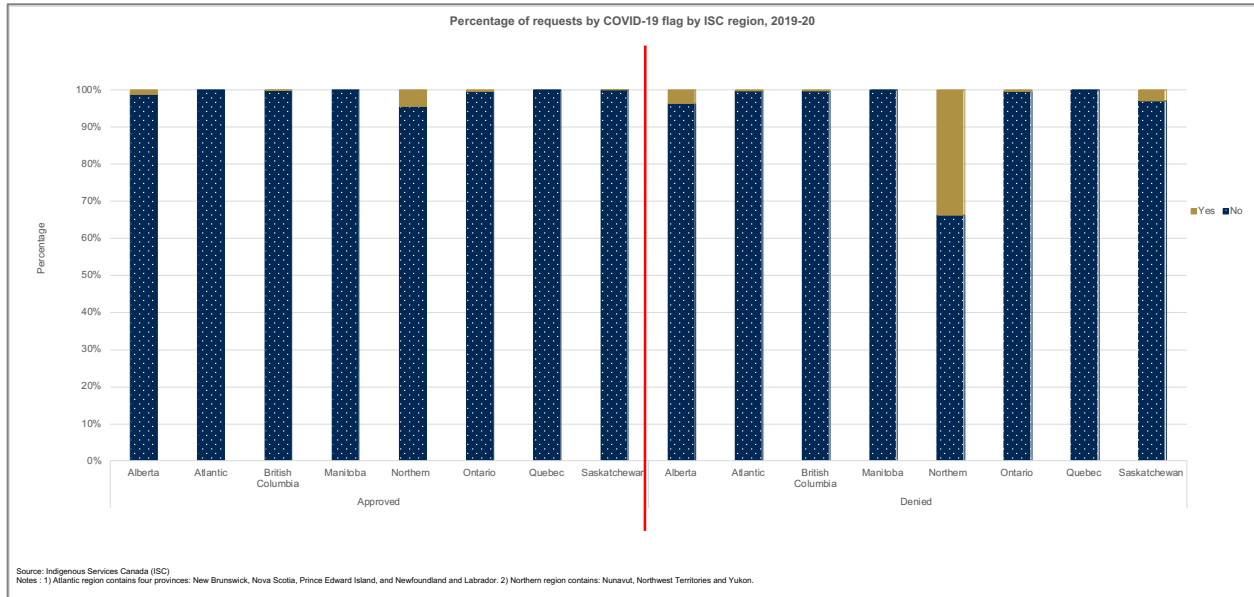
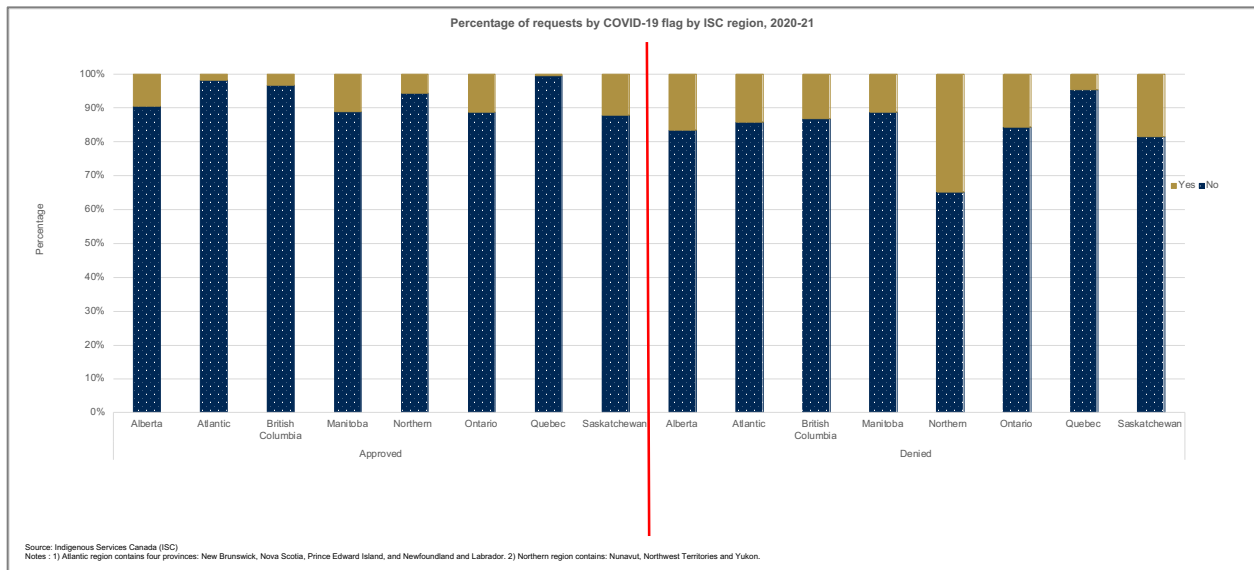


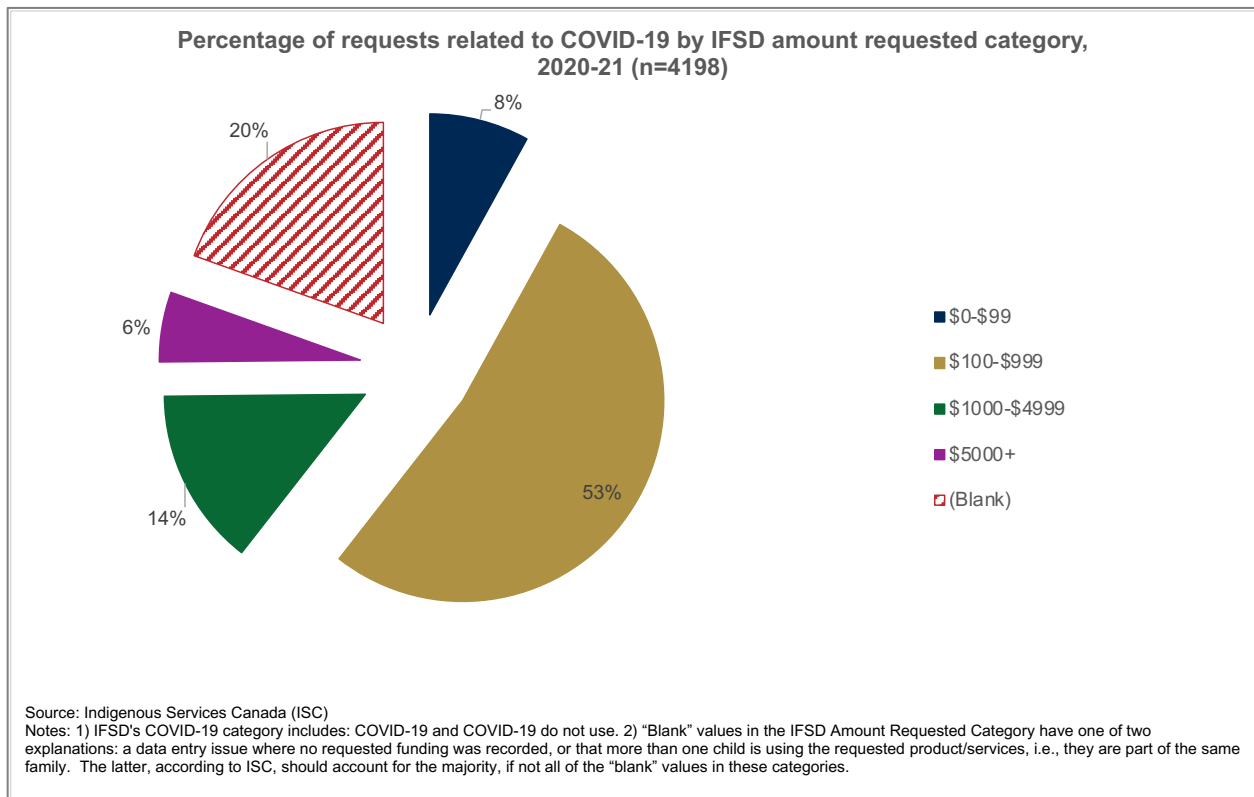
Figure 60



Over half of the COVID-19 related requests in 2020-21 were for products and services with costs between \$100-\$999 (Figure 61).

⁶⁵ Indigenous Services Canada (ISC) defines regions as follows: 1) Atlantic region includes: New Brunswick, Nova Scotia, Prince Edward Island, and Newfoundland and Labrador; 2) Northern region includes: Nunavut, Northwest Territories and Yukon.

Figure 61



Analysis of the 30% random sample

As noted in the data access discussion earlier in this section, a 30% random sample of data was requested by IFSD for fiscal years prior to 2019-20. Although the data varies in completeness and in consistency, its assessment is relevant for identifying major changes in the behaviour of the request data. For this analysis, 30% random sample data for fiscal years 2017-18 and 2018-19 are presented alongside the full data sets from 2019-20 and 2020-21 (note that 2016-17 data is often unavailable).

Consistent with subsequent fiscal years, most requests are approved (although, the percentage of approved requests tends to decrease slightly in later years) (Figure 62) and over 90% of requests are for individuals (Figure 63).

Figure 62

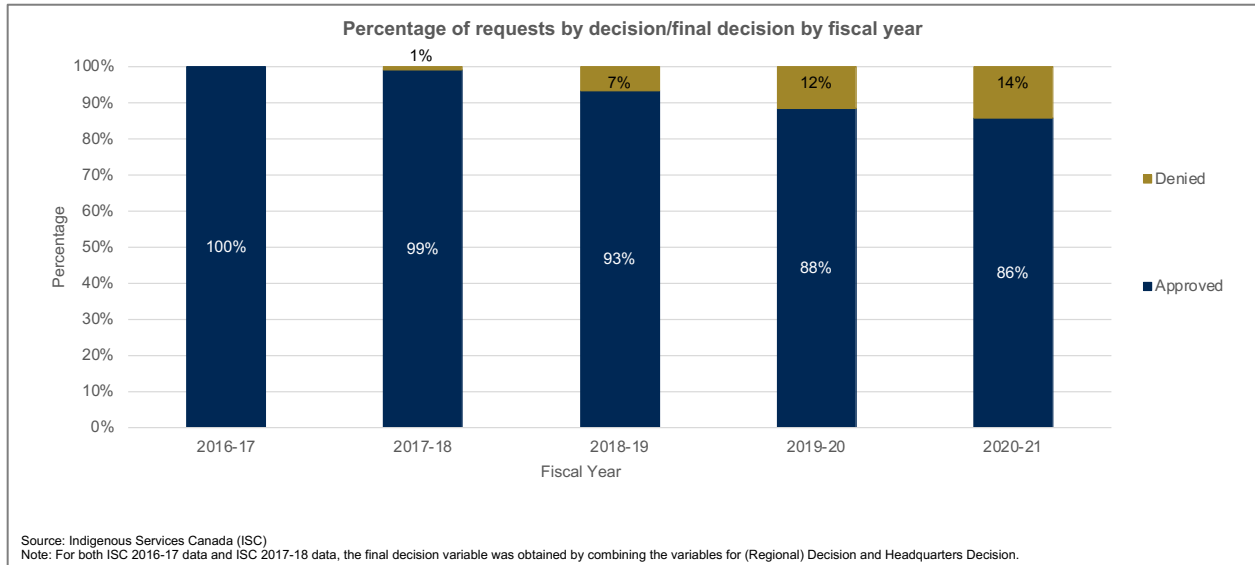
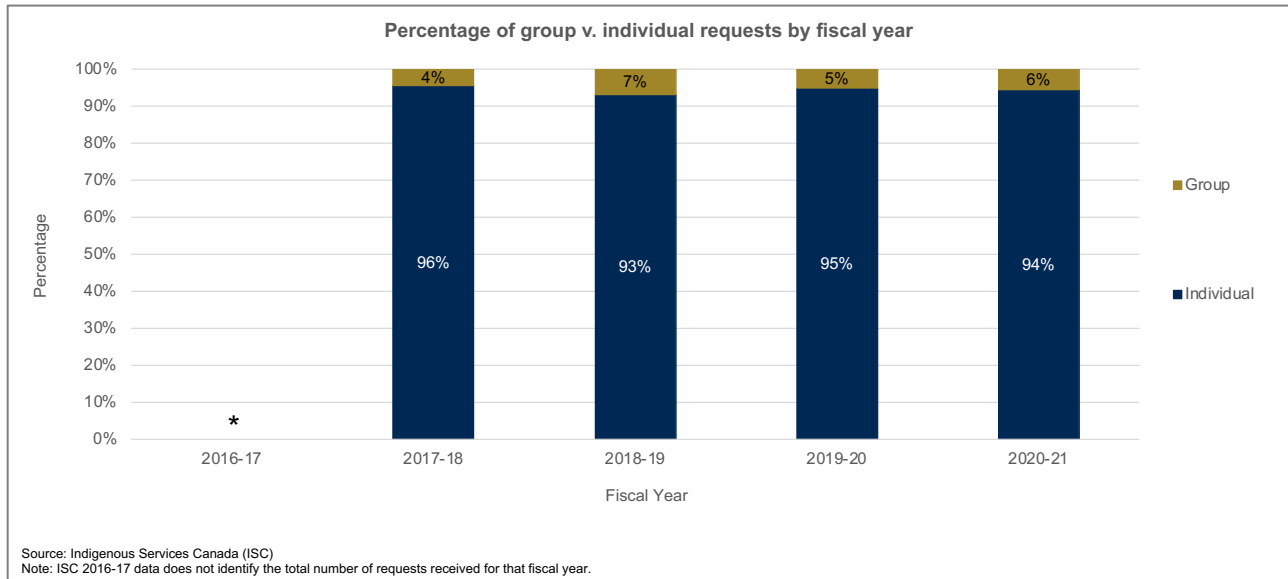


Figure 63



The amounts of funding requested and approved are consistent, with more than half of requests for amounts being below \$5,000 (Figure 64 and Figure 65).

Figure 64

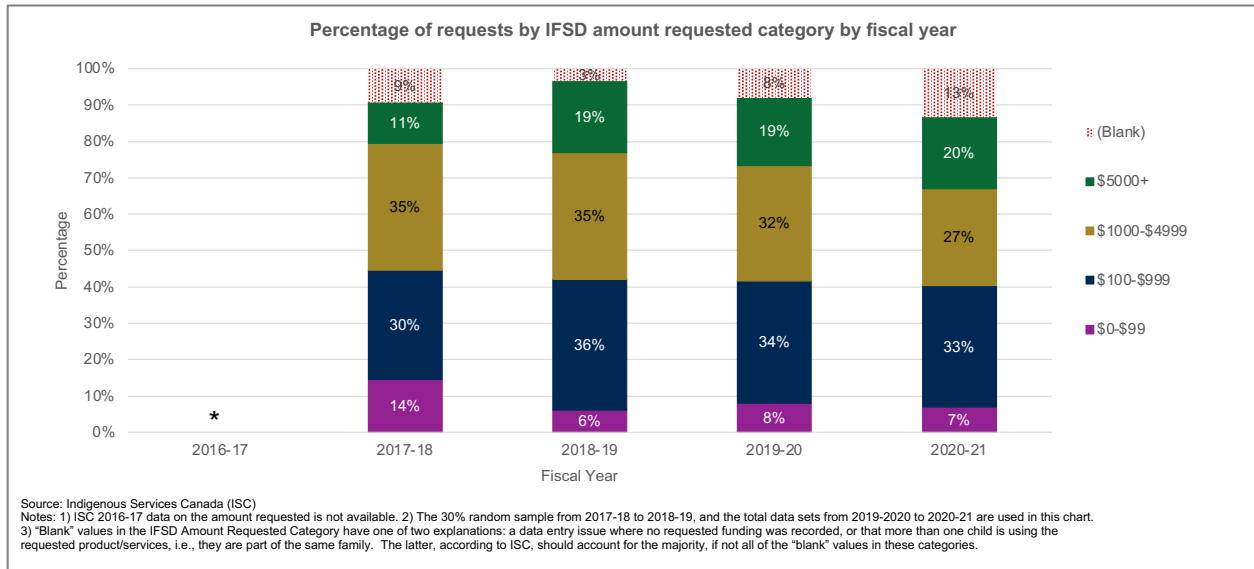
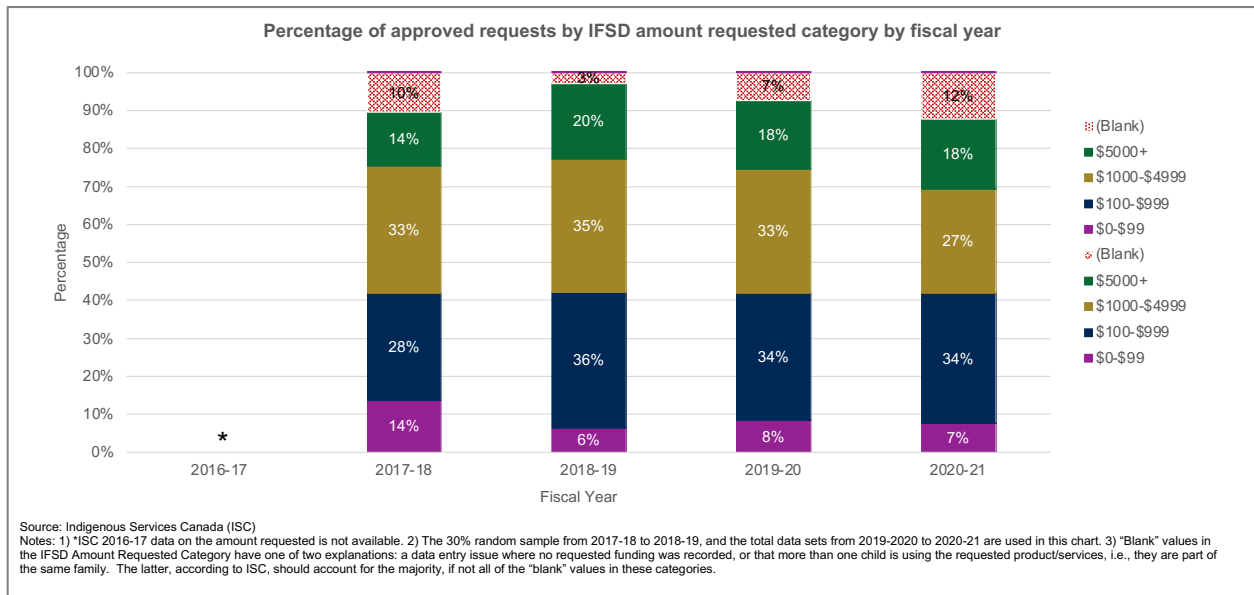


Figure 65



Requests are mostly made for children below the age of 13, with percentages in age categories fairly consistent across fiscal years (Figure 66). Half or more of the requests every fiscal year are for male recipients (Figure 67). Education and respite are the categories with the most requests across fiscal years, although trends differ in 2019-20 and 2020-21 when the complete dataset is considered (Figure 68).

Figure 66

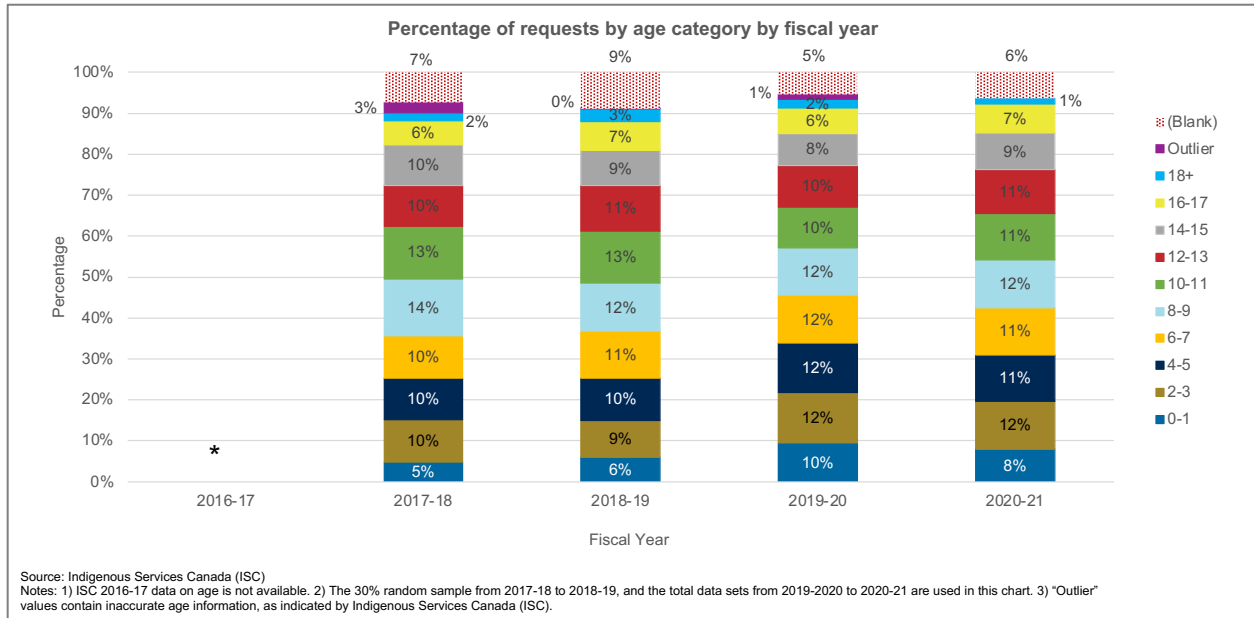


Figure 67

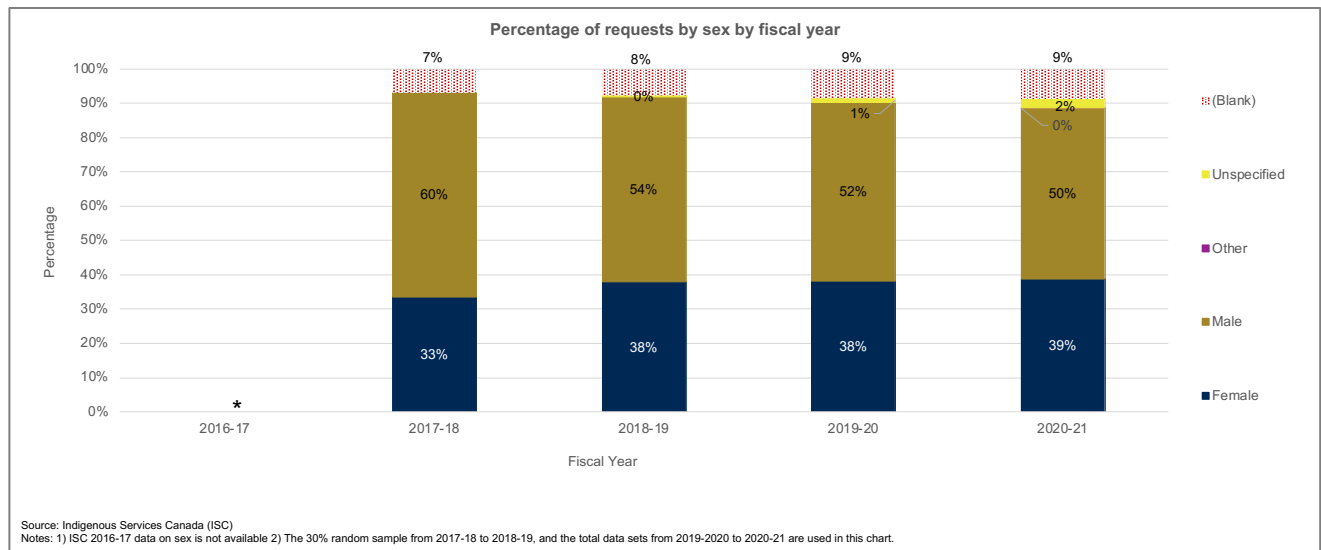
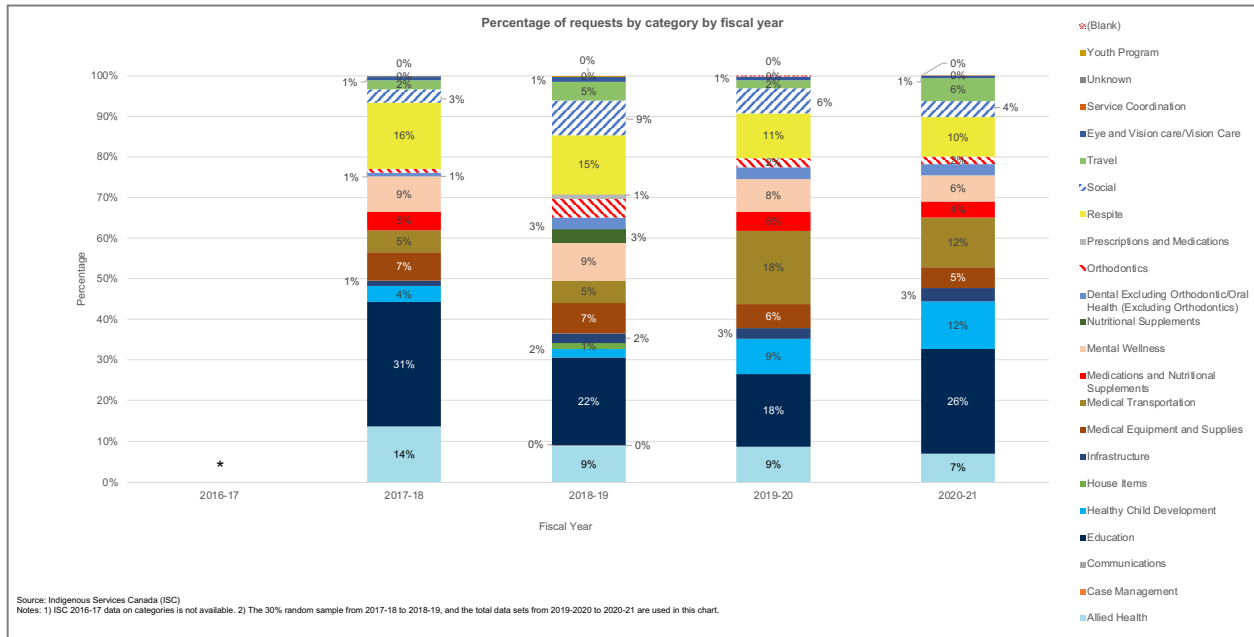


Figure 68



ISC collects a significant amount of information through the GC Case system. The information is useful for descriptive analytics. The number of requests can be quantified, the category of service or product need defined, age, sex, province/territory of residence, among other variables are all accessible. However, the information is insufficient to understand if substantive equality is being achieved. For ISC to demonstrate that it is fulfilling its declared objectives relative to substantive equality, a baseline of the current state and information that captures the root causes of requests are necessary starting points.

Part IV: Approaches for cost analysis

Consistent with the Treasury Board of Canada policies, government expenditures require definition of goals, alignment of resources to priorities, and tracking and reporting mechanisms to ensure results and value for money. Costing Jordan’s Principle requires consideration of the Treasury Board of Canada’s policies and clarity around its purpose. Understanding Jordan’s Principle through the context, input, output, outcome, framework discussed in Part II in reverse, clarifies components relevant to cost estimation. The table below (Table 5) presents a refined overview of Jordan’s Principle with consideration of substantive equality that can be used for a future cost estimation exercise.

Table 5

Context	Different for every First Nation. Cost analysis must capture different points of departure.
Outcomes	Thriving First Nations children who can access products and services when they need them in exceptional circumstances, because gaps are closed in other programs and services.
Output	The products and services requested, approved, and the reasons why they were necessary.
Inputs	The expenditure required to close underlying gaps in other programs and services. (To be defined through cost analysis).

Underlying this approach is an understanding that Jordan’s Principle should be used in exceptional circumstances to ensure First Nations children can access products and services when they need them. Through this understanding, Jordan’s Principle is a final recourse to close gaps because other program and policy areas are complete. Such an approach would be consistent with substantive equality. Rather than depending on Jordan’s Principle to close gaps to equalize points of departure, substantive equality is built-in to the programs that are intended to support First Nations children. This means that a future cost analysis of Jordan’s Principle requires costing the gaps in existing programs. To cost Jordan’s Principle, you are functionally costing substantive equality.

To operationalize substantive equality, IFSD proposes the following approach building from the definition of substantive equality in Part I:

Substantive equality is assessed on both the provision of service (access and type) and the policy outcome (measure of well-being). It recognizes that differential treatment may be necessary to respond to the contextual needs of a certain individuals or group. To address non-equal points of departure in the provision of service, the full context of the individual or group, including cultural, economic, social, and historical disadvantages should be examined and considered.

Realigning Jordan’s Principle to the legal rule it was designed to be, rooted in substantive equality, could inform the overall approach of social services within ISC. Costing substantive equality in the spirit of Jordan’s Principle is about building

substantive equality through equity in points of departure. This requires costing each social policy area being addressed by Jordan's Principle and defining the desired normative state, and then subtracting the current state from it. The approach would identify the underlying gaps in other programs to be remedied, with Jordan's Principle then working as intended as a recourse in exceptional circumstances.

Current requests through Jordan's Principle reflect perceived gaps in available products and services by requestors. ISC's approval of the expenditures is tacit recognition of these gaps. Rather than remedying gaps on an ad-hoc basis, a complete review of social programs in ISC would better serve the spirit of Jordan's Principle by ensuring adequacy and applicability of programs at the front-end, rather than remedying shortfalls at the backend.

As a framework, the Spirit Bear Plan⁶⁶ can help to cost overall service gaps. The Spirit Bear Plan calls on government and parliament to remedy the shortfalls of federally funded services on-reserve and aims to encompass the full spectrum of policy areas that account for the disparity in social, economic, and health results for First Nations children. There are eleven core policy areas that align to the Spirit Bear Plan that could be costed to identify gaps: education, children's health, emergency services, water, housing and sanitation, juvenile justice, early childhood, child and family services, poverty reduction, mental wellness, intimate partner violence, and capacity for service delivery. These program areas are relevant categories of expenditure as they relate to the inequitable points of departure of First Nations children.

Of the eleven core policy areas for action in the Spirit Bear Plan, three have a completed costing (Table 6). Another six policy areas have some cost information, while two others lack the information required for a cost estimation. The cost analysis should quantify the cost to close the gap between the current state and desired future state. There is a foundation of existing research across several of the policy areas that underscore the importance of resolving the gaps, due to their costs societally and economically. Reliable costing is a prerequisite for establishing better approaches to funding and performance.

The challenges experienced by First Nations children are compounded with incomplete, piecemeal approaches that do not fully address any of these policy areas. To address these challenges, the nature of the current state, cost estimates, normative state, and required supports should be fully articulated. With the Government of Canada's commitment to reconciliation, there is no better place to start than building a well-being focused future for First Nations children. The Spirit Bear Plan's call for action offers a blueprint for decision makers and policy makers.

⁶⁶ "Spirit Bear Plan," First Nations Child and Family Caring Society, accessed August 7, 2022, <https://fncaringsociety.com/spirit-bear-plan>.

Table 6

Policy area	Costing complete	Availability of cost data	Complete
Education	Yes Office of the Parliamentary Budget Officer (PBO) (2016-17)	N/A	Partially complete
Children's health	No	No, provincial per capita rates only	Unavailable
Emergency services	No	Partial, some gaps in services identified, e.g., fire	Partially complete
Water, housing and sanitation	Yes PBO (2017)	N/A	Complete
Juvenile justice	No	Partial, national costs of incarceration	Partially complete
Early childhood	No	Partial, program spending data from ISC and from existing providers	Partially complete
Child and family services	Yes IFSD (2018 and 2020)	N/A	Complete
Poverty reduction	Partial, the gap between a provincial poverty line and household income can be measured. However, it is considered incomplete.	Partial, IFSD is undertaking analysis to develop First Nations-based approaches to understanding and measuring poverty; considerations for cost analysis are expected to emerge	Partially complete
Mental wellness	No	No, but several reviews and program impact assessments exist	Unavailable
Intimate partner violence	No	Partial, national economic impact of spousal violence	Partially complete
Operational capacity for service delivery	No	Partial, analysis (and potential proxies) available through rural municipalities	Partially complete

Table 7 illustrates, at a high level, the current state of analysis relative to a desired future state where policies align to performance and are supported with requisite funding. For an overview of the Spirit Bear Plan policy areas and available cost analysis, see Appendix C.

One example of a complete program cost analysis from the Spirit Bear Plan is that of the First Nations child and family services (FNCFS) program. The analysis, produced from the bottom-up, a portrait of cost, cost drivers, gaps, and challenges that ultimately led to the development of an approach that connected performance, funding and governance in child and family services. FNCFS is considered to have a complete costing, performance framework (Measuring to Thrive) and a funding approach connected to desired results. How this approach is pursued remains the decision of the negotiating Parties, the Minister, and the department.

Table 7

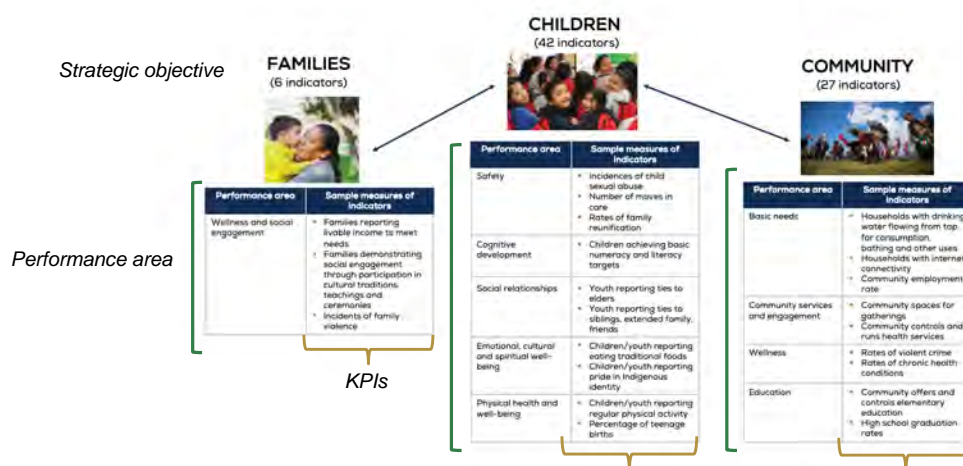
Policy area	Costing	Performance framework	Funding approach
Education	●	◐	○
Children's health	○	○	○
Emergency services	○	◐	○
Water, housing and sanitation	●	◐	◐
Juvenile justice	○	○	○
Early childhood	○	◐	○
Child and family services	●	●	●
Poverty reduction	○	○	○
Mental wellness	○	◐	◐
Intimate partner violence	○	○	○
Operational capacity for service delivery	○	○	○

Not complete	○
Somewhat complete	◐
Partially complete	◑
Mostly complete	●
Fully complete	●

Once the costing of the Spirit Bear Plan has identified gaps in existing program areas, a monitoring framework that tracks outcomes for First Nations can be applied. Monitoring relevant indicators consistent with First Nations' conceptions of holistic well-being is a crucial accountability mechanism. Measuring to monitor changes in well-being, especially at the level of communities can help to ensure programs and decisions are being made consistent with the best interests of children, families, and communities. Linking measures to well-being means having an early warning system to identify challenges and the relevant information to highlight successes. This is an essential component to the long-term reform of Jordan's Principle by defining how substantive equality will be measured and monitored.

The Measuring to Thrive Framework is a well-being focused approach developed from the input of FNCFS agency leadership, practitioners, and experts. With three interrelated parts (children, families, communities), the Measuring to Thrive Framework's 75 indicators are intended to measure to monitor holistic well-being (Figure 69).

Figure 69



The community-level indicators are broadly applicable across social policy areas. These indicators develop a baseline portrait of a First Nation across dimensions such as, health, access to broadband, places to gather in community, education completion rates, etc. This detailed information compiled mainly through publicly available sources can serve as a starting point through which First Nations collect and control their own information to monitor changes at the level of their individual First Nation, or decide to aggregate it regionally, or nationally. Whether adopting the community-level indicators from Measuring to Thrive or another approach, it is necessary to understand changes in First Nations to know if program expenditures and structures are meeting the needs of children, families, and communities.

The costing of Jordan's Principle should be undertaken in three steps:

- 1) Cost the gaps in programs and services through the Spirit Bear Plan;
- 2) Develop First Nations-specific portraits of community well-being through Measuring to Thrive or another approach;
- 3) Monitor changes to community well-being over five years, while reviewing Jordan's Principle requests on an annual basis.

After five years, trends should be evaluated. Are the indicators of holistic community well-being improving for First Nations? Are First Nations reporting consistency in access of needed programs and services? Are requests to Jordan's Principle trending toward exceptional circumstances? Are some root causes of need being addressed more effectively than others? If so, why?

Future assessments of Jordan's Principle should be undertaken at multiple levels:

- 1) Focus groups and interviews with public servants managing Jordan's Principle at the national and regional levels;
- 2) Focus groups and interviews with regional coordinators and navigators;
- 3) Interviews and discussions with First Nations who are coordinating or accessing Jordan's Principle for individual and/or group requests.

This bottom-up understanding of practices, approaches, and understandings of Jordan's Principle is lacking. Varied perspectives from the different actors engaging with Jordan's Principle will be essential for its long-term reform and sustainability. By understanding how Jordan's Principle is operating in communities and how it is being managed changes to its operation can be more effectively implemented.

As with any major program change, implementation will take time. The gaps in programs are broad and would benefit from bottom-up cost analysis immediately. Addressing the gaps in programs could then be triaged based on areas of need. While it would be desirable to have programs change in tandem, the likelihood of broad-based programmatic change would be resource intensive and potentially, challenging for the department to manage. Identifying acute areas of need based on requests and gap analysis, the department and First Nations could work to develop an approach to remedying inequities in services.

If gaps are closed in existing programs through the Spirit Bear Plan, it is expected that recourse to Jordan's Principle should decline. This is not to suggest that needs will be eliminated or change quickly, but that the nature of requests through Jordan's Principle should change, trending toward exceptional circumstances. Substantive equality through Jordan's Principle is achievable. It requires recognizing, quantifying, and addressing existing gaps in programs and services.

Conclusion

There is substantial information collected on Jordan's Principle. While it clarifies the number of requests for funding and products/services, among other variables, the information is insufficient to assess whether Jordan's Principle is helping to achieve substantive equality for First Nations children.

It appears that the initial implementation of Jordan's Principle was inconsistent with the goal of substantive equality. Rather than structuring Jordan's Principle to track and reflect substantive equality and related measures, the implementation was hurried to respond to the CHRT's requirements focusing instead on the number of approved recipients and the timelines for adjudication.

The foundations for Jordan's Principle as a rule for addressing substantive equality were not established at the outset. This missed opportunity perpetuated a path dependent track of closing gaps on an ad-hoc basis, rather than addressing – or even understanding – the root causes of need.

This analysis of Jordan's Principle should serve as a warning sign. In its current form, Jordan's Principle serves as evidence of the broader gaps in programs and services for First Nations children. A long-term sustainable approach for Jordan's Principle will require remedying existing gaps in adjacent program areas to ensure recourse to Jordan's Principle is a last resort and not a first (or only) source of products and services.

ISC programs would benefit from renewal and restructuring to align to the provision of substantive equality. Programs to reduce gaps by equalizing points of departure will require new governance relationships with First Nations, linking actual needs and realities to program design.

The cost of inaction on Jordan's Principle is high for First Nations children and Canada. A long-term sustainable approach should be premised on a clear understanding of root causes of need in First Nations. Governments typically do not design programs without ceilings, unless in an emergency situation or when there is an unknown or undefined end to the matter, e.g., war. When there is clarity around an outcome, funding and program parameters should frame the approach. Closing underlying gaps in services in First Nations would ensure Jordan's Principle can work as it was originally intended, by serving as recourse in exceptional circumstances.

Based on the preceding analysis, it is recommended that:

- 1) Substantive equality and a related performance framework be defined;
- 2) A cost analysis of substantive equality be undertaken through the Spirit Bear Plan;
- 3) First Nations' community well-being be defined through the Measuring to Thrive framework or other similar indicators;
- 4) Actors engaged in Jordan's Principle be interviewed;
- 5) Cost estimation be undertaken to close the gaps defined in #2 and for the implementation of the accountability mechanism defined in #3;
- 6) A reformed approach to Jordan's Principle be defined, premised on recourse in exceptional circumstances.

Jordan's Principle may appear to be working for children as requests, approvals, and expenditures increase. These trends, however, are symptoms of underlying gaps in programs and services. Only when equitable points of departure are established for First Nations children can substantive equality be achievable.

Bibliography

Constitution Act, 1867 (UK) 30 & 31 Vict, c 3, reprinted in RSC 1985.

Canadian Human Rights Act, RCS 1985 c H-6.

Canadian Charter of Rights and Freedoms. Constitution Act, 1982.

First Nations Child and Family Caring Society. “Jordan’s Principle.” Accessed August 7, 2022. <https://fncaringsociety.com/jordans-principle>.

First Nations Child and Family Caring Society. “Spirit Bear Plan.” Accessed August 7, 2022. <https://fncaringsociety.com/spirit-bear-plan>.

First Nations Child and Family Caring Society. “Reconciliation in Child Welfare.” Accessed August 7, 2022. <https://fncaringsociety.com/reconciliation-child-welfare>.

Fredman, Sandra. “Substantive Equality Revisited.” *International Journal of Constitutional Law*, 14 no. 3 (2016): 712-738.

Government of Canada. “Audit of the Implementation of Jordan’s Principle.” Indigenous Services Canada. Last updated October 28, 2020. <https://www.sac-isc.gc.ca/eng/1594378735468/1594378764255>.

Government of Canada. “Infographic for Jordan's Principle and the Inuit Child First Initiative.” InfoBase (see “Planned results 2022-23”). Last modified August 4, 2022. <https://www.tbs-sct.canada.ca/ems-sgd/edb-bdd/index-eng.html#infographic/program/INDSC-BXM01/results>.

Government of Canada. “Infographic for Jordan's Principle and the Inuit Child First Initiative.” InfoBase (results section). Last modified August 4, 2022. <https://www.tbs-sct.canada.ca/ems-sgd/edb-bdd/index-eng.html#infographic/program/INDSC-BXM01/results>.

Government of Canada. “Jordan’s Principle.” Indigenous Services Canada (ISC). Last modified August 7, 2022. <https://www.sac-isc.gc.ca/eng/1568396042341/1568396159824>.

Government of Canada. “Policy on Results.” Treasury Board of Canada Secretariat. Last modified July 1, 2016. <https://www.tbs-sct.canada.ca/pol/doc-eng.aspx?id=31300>.

Government of Canada. "Policy on Transfer Payments." Treasury Board of Canada Secretariat. Last modified April 4, 2022.
<https://www.tbs-sct.canada.ca/pol/doc-eng.aspx?id=13525>.

Government of Canada. "Levels of Security." Public Works and Government Services Canada. Last modified November 22, 2021.
<https://www.tpsgc-pwgsc.gc.ca/esc-src/protection-safeguarding/niveaux-levels-eng.html>.

House of Commons Journals. "Private Members' Business M-296" adopted, 39-2, No 36 (12 December 2007).

Indian Act, RSC 1985.

Institute of Fiscal Studies and Democracy (IFSD). "Final Report: Cost analysis of current housing gaps and future housing needs in First Nations." *Institute of Fiscal Studies and Democracy* (2021), Ottawa.
<https://static1.squarespace.com/static/5f29b2710512b20bd57bed44/t/618930be4ba2743dace94502/1636380867668/COO+SCA+2021+-+IFSD+National+Housing+Need+Cost+Analysis.pdf>;

Institute of Fiscal Studies and Democracy (IFSD). "Funding First Nations child and family services (FNCFS): A performance budget approach to well-being." *Institute of Fiscal Studies and Democracy*, (2021), Ottawa.
https://www.ifsd.ca/web/default/files/FNCFS/2020-09-09_Final%20report_Funding%20First%20Nations%20child%20and%20family%20services%5B1%5D.pdf.

Koshan, Jennifer. "Under the Influence: Discrimination Under Human Rights Legislation and Section 15 of the Charter." *Canadian Journal of Human Rights* 3:1 (2014): 115-142.

Loxley, John, Linda DeRiviere, Tara Prakash, Cindy Blackstock, Fred Wien, and Shelley Thomas Prokop. *Wen:De The Journey Continues*. (Ottawa: First Nations Child and Family Caring Society, 2005).

National Collaborating Centre for Aboriginal Health. "The Aboriginal Health Legislation and Policy Framework in Canada." *National Collaborating Centre for Aboriginal Health*. (2011), Ottawa. <https://www.nccih.ca/docs/context/FS-HealthLegislationPolicy-Lavoie-Gervais-Toner-Bergeron-Thomas-EN.pdf>.

Office of the Parliamentary Budget Officer. "Research and comparative analysis of CIRNAC and ISC." *Office of the Parliamentary Budget Officer*, (May 18, 2022), Ottawa. <https://distribution-a617274656661637473.pbo-dpb.ca/4dd5db44bd0d5ddc57fd166053a5ee6703753a32baa02d6906a3082c84b23a38>

Office of the Parliamentary Budget Officer. "Clean Water for First Nations: Is the Government Spending Enough?" *Office of the Parliamentary Budget Officer*, (December 2021). Ottawa. <https://www.pbo-dpb.gc.ca/en/blog/news/RP-2122-021-M--clean-water-first-nations-is-government-spending-enough--eau-potable-premieres-nations-gouvernement-depense-t-il-assez>.

Office of the Parliamentary Budget Officer. "Fiscal sustainability report, 2022." *Office of the Parliamentary Budget Officer*, (2022), Ottawa. <https://www.pbo-dpb.ca/en/publications/RP-2223-012-S--fiscal-sustainability-report-2022--rapport-viabilite-financiere-2022>.

Sangiuliano, Anthony Robert. "Substantive Equality as Equal Recognition: A New Theory of Section 15 of the Charter." *Osgoode Hall Law Journal*, 52 no. 2 (2015): 601-646.

Schick, Allan. *A Contemporary Approach to Public Expenditure Management*. (Washington, D.C.: The World Bank Institute, 1998).

Sinha, Vandna, Colleen Sheppard, Kathryn Chadwick, Maya Gunnarsson, and Gabriella Jamieson. "Substantive Equality and Jordan's Principle: Challenges and Complexities." *Journal of Law and Social Policy* 35, (2021): 21-43.

Court cases

Andrews v. Law Society of British Columbia, 1 SCR (2000).

British Columbia (Public Service Employee Relations Commission) v. BCGSEU 3 SCR (1999).

Canada (Human Rights Commission) v. Canada (Attorney General), FC 445 (2012).

Eldridge v. British Columbia (Attorney General), 3 SCR 624 (1997).

First Nations Child & Family Caring Society of Canada and Assembly of First Nations v. Attorney General of Canada (Minister of Indigenous and Northern Affairs Canada), CHRT 2 (2016).

First Nations Child & Family Caring Society of Canada and Assembly of First Nations v. Attorney General of Canada (Minister of Indigenous and Northern Affairs Canada), CHRT 10 (2016).

First Nations Child & Family Caring Society of Canada and Assembly of First Nations v. Attorney General of Canada (Minister of Indigenous and Northern Affairs Canada), CHRT 16 (2016).

First Nations Child & Family Caring Society of Canada and Assembly of First Nations v. Attorney General of Canada (Minister of Indigenous and Northern Affairs Canada), CHRT 14 (2017).

First Nations Child & Family Caring Society of Canada and Assembly of First Nations v. Attorney General of Canada (Minister of Indigenous and Northern Affairs Canada), CHRT 35 (2017).

First Nations Child & Family Caring Society of Canada and Assembly of First Nations v. Attorney General of Canada (Minister of Indigenous and Northern Affairs Canada), CHRT 7 (2019).

Robichaud v. Canada (Treasury Board), 2 SCR 84 (1987).

Fraser v. Canada (Attorney General), SCC 28 (2020).

Hughes v. Canada, CHRT 4, (2010).

Ontario Human Rights Commission and O'Malley v. Simpsons-Sears Ltd., 2 SCR (1985).

Withler v Canada (Attorney General), SCC 12 (2011).

Appendix

Appendix A: Methodology

I. Context

Indigenous Services Canada (ISC) is the department that manages Jordan's Principle and information related to requests. The department is the sole source of detailed information on Jordan's Principle requests, approvals/denials, and expenditures. Jordan's Principle requests contain personal and private information on health, needs, special circumstances, etc. It is understandable that managing and accessing data from the GC Case System (the platform used to collect and hold data on Jordan's Principle) requires careful consideration of privacy matters.

The analysis of Jordan's Principle being undertaken by IFSD was part of the Agreement-in-Principle on the long-term reform of child and family services being negotiated by the parties to the Canadian Human Rights Tribunal (CHRT). Anticipating readily accessible data on Jordan's Principle, IFSD planned to complete the project in approximately three months. This was not the case. The process of requesting and accessing Jordan's Principle data from ISC took several months of effort by the department and IFSD. IFSD was required to retain an expert privacy lawyer for support in expediting the process.

On November 19, 2021, IFSD submitted its original request for data to ISC. Working with program officials and the Office of the Chief Data Officer, ISC expected to provide access to the dataset to IFSD by December 31, 2021. A standard process for data access from ISC was underway (with which IFSD was familiar, having previously requested and obtained access to granular expenditure data associated to ISC's programs).

The data being requested by IFSD was classified as "Protected B¹," meaning that it contained personal information that could be harmful to individuals or groups if compromised. IFSD was only interested in non-identifiable data, as the aggregate portrait of Jordan's Principle requests had explanatory value for the project (not individual requests to Jordan's Principle). To provide the necessary information for IFSD's work, ISC de-identified and clustered variables that would be shared in the dataset. This meant that for certain variables, e.g., age, expenditure, etc., ranges rather than exact variables were provided. Along with the de-identification and use of ranges for the variables, there were strict information and technological management protocols that ISC required of IFSD to receive the information. With notice of those requirements received in mid-December and the internal processes at ISC, the December 31, 2021, deadline was missed.

¹ Public Works and Government Services Canada (PWGSC) defines various security levels for information and asset protection of the Government of Canada. The Protected B label is applied "to information or assets that, if compromised, could cause serious injury to an individual, organization or government." See Government of Canada, "Levels of Security," Public Works and Government Services Canada, Government of Canada, last modified November 22, 2021, <https://www.tpsgc-pwgsc.gc.ca/esc-src/protection-safeguarding/niveaux-levels-eng.html>.

ISC and IFSD worked through January to review a draft information sharing agreement (ISA) and resolve a difference in understanding of the requested data. By February 2022, there were two separate parts to the data request that would be fulfilled on different timelines:

- 1) Jordan's Principle request data for First Nations only for fiscal years 2019-20 and 2020-21. Qualitative entries and child-identifying information were removed from the data set.
- 2) A random sample of 30% of Jordan's Principle requests for fiscal years 2016-17, 2017-18, and 2018-19 for First Nations only. Qualitative entries and child-identifying information were removed from the data set. (This information was requested to cover the period prior to the use of the GC Case system and was used to test the consistency of inductive analysis from the primary datasets for fiscal years 2019-20 and 2020-21).

By the end of February 2022, the ISA between ISC and IFSD was signed, with an understanding that an amendment would follow to access the random sample data (defined in #2, above). The complete data sets for fiscal years 2019-20 and 2020-21 was transferred first at the end of February 2022. The random sample was transferred in June 2022.

As IFSD began working with the initial dataset, it raised questions about the availability of additional information. While pursuing the amendment to the ISA for the 30% sample, IFSD worked with ISC on an additional information request for a summary table of all Jordan Principle requests for non-First Nations children. This information was requested for completeness to understand the scope and scale of requested expenditures, approved, and denied expenditures.

At the end of May 2022, IFSD confirmed the ISA amendment to access the 30% random sample. The document was signed by both parties by mid-June 2022, and the data was provided shortly thereafter.

To better capture and understand *why* requests were being made to Jordan's Principle, i.e., which issues or challenges were being addressed, IFSD requested qualitative entries associated to the GC Case system. Approaching the end of May 2022, ISC noted for IFSD, that despite best efforts and consultations in the department, IFSD would not be able to access the qualitative data associated to individual Jordan's Principle requests without additional submissions and reviews. From a programmatic (not a technical) perspective, there were concerns about the private and personal information in the qualitative data. For those reasons, any access to the information would require additional requests and reviews, without a guaranteed outcome or timeline. For these reasons, in consultation with its client, IFSD decided to forego the pursuit of the qualitative information. In this report, IFSD cannot confirm the content of the qualitative information or its utility in understanding root causes of requests to Jordan's Principle, as it could not access the information within reasonable timelines for completion of the project. An inability to understand needs being addressed through Jordan's Principle (not the product or service being requested, but *why* it is being requested) is a gap that should be addressed in future work.

While there was no child-identifying or qualitative information shared with IFSD, all analysis IFSD produced using GC Case data had to be reviewed by ISC's Privacy team (pursuant to the ISA). This review by ISC was required to ensure that no reader of the final report could piece together information from different analysis to identify an individual child or their request. IFSD submitted analysis in May, June, and July 2022 for the privacy review.

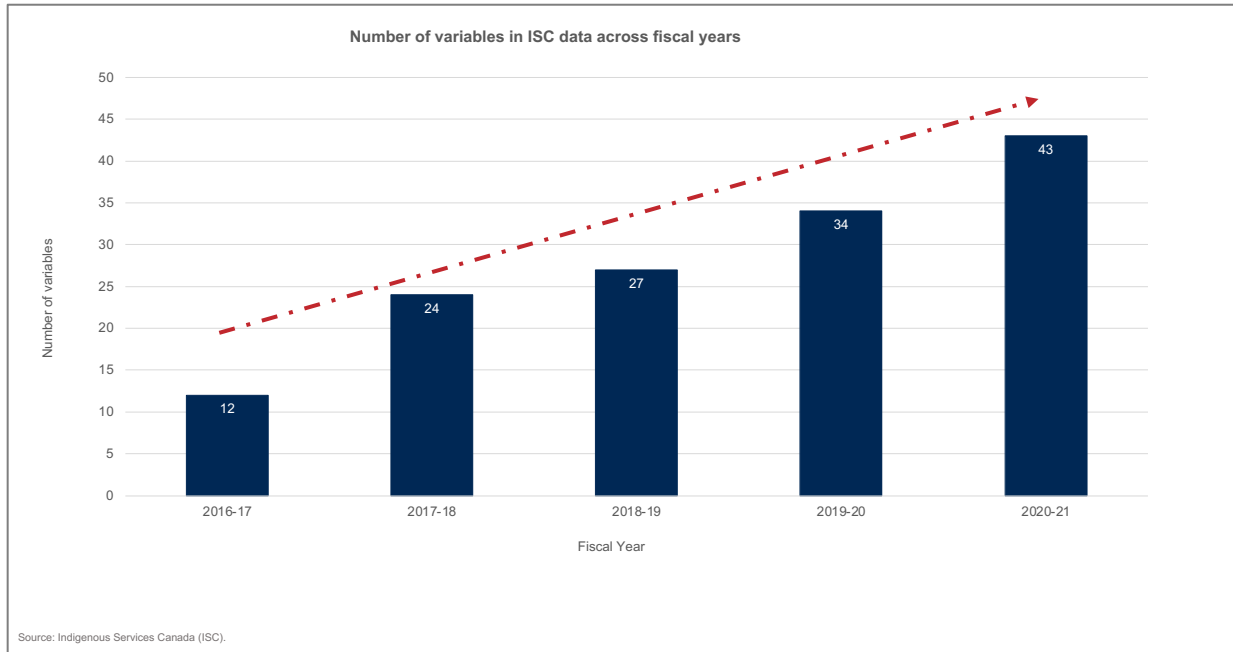
The information requested from ISC was essential for completing this work. IFSD used the data provided to understand Jordan's Principle requests, categories of services and products, and alignment to matters of substantive equality and equality. Without the granular data from the GC Case system the analysis would not have been possible as publicly accessible information does not contain sufficient detail for analysis.

Data analysis proceeded inductively with findings derived from assessments of the data. The inductive analysis was undertaken by sorting the GC Case data against different variables, e.g., service/product category, age range, expenditure, etc. The analysis was useful in understanding input metrics on Jordan's Principle, but insufficient for understanding needs or the root causes of requests through Jordan's Principle.

To use the data provided by ISC to respond to the project's research questions, IFSD used distinct requests. This means that IFSD was not concerned with the number of individuals or groups making a request, but rather the total number of products or services requested (as an individual or group may have requested more than one product or service). Thus, across fiscal years, the total number of requests was used and not the number of children requesting a product or service. IFSD used this approach to analyze the dataset as it was attempting to understand if Jordan's Principle was responding to substantive equality. IFSD was concerned with understanding what products or services were being asked for and why, not how many products or services an individual or group may request.

The data for fiscal years 2019-20 and 2020-21 contained sufficient detail for in-depth analysis, which are the focus of this report. The data for fiscal years 2016-17 to 2018-19 provided as a random 30% sample (prior to the use of the GC Case system) were insufficiently detailed for in-depth analysis. IFSD understood from ISC that those data sets differ in completeness, quality, and in the variables collected. While data collection has noticeably improved since 2016-17 (increase in variables, consistency, and quality of data collection (Figure 1) only data from fiscal years 2019-20 and 2020-21 were deemed sufficiently detailed and complete for this analysis.

Figure 1



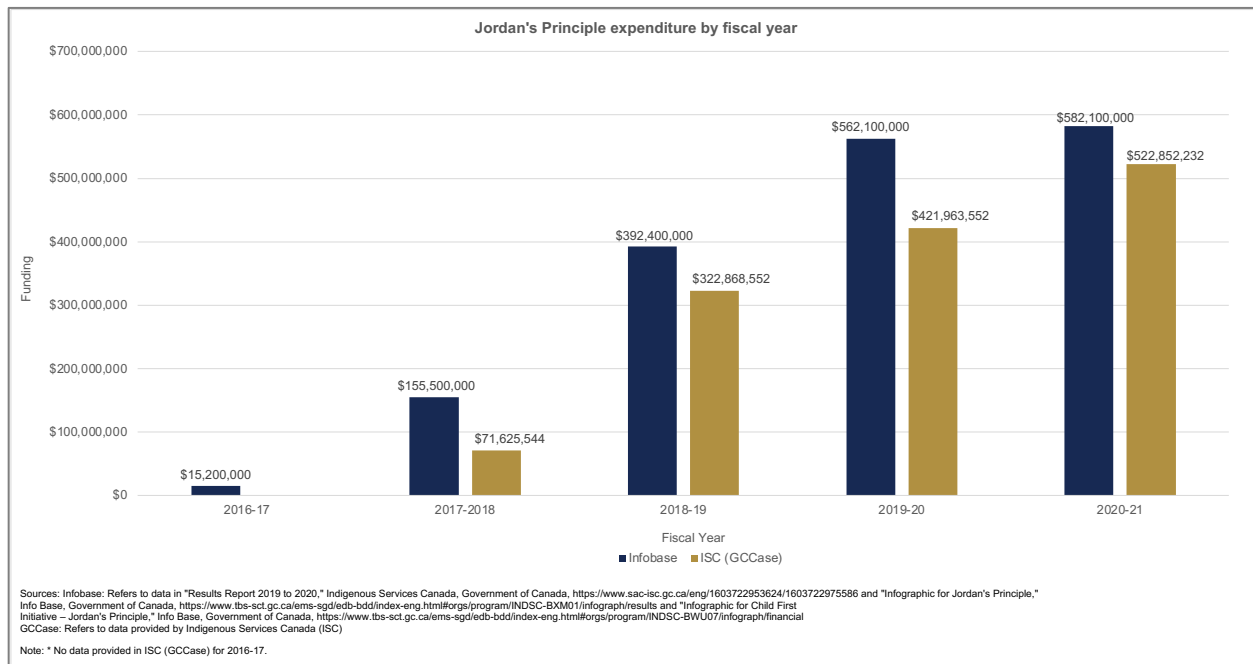
IFSD had originally anticipated completing this project in February 2022. The deadline was readjusted on several occasions, finally reaching July 29, 2022, to accommodate the time and challenges in accessing the required information. In mid-July 2022, ISC notified IFSD of outliers that had to be removed from the dataset. The ‘outlier’ values were removed from the dataset as they contained inaccurate age information. Subsequently, various parts of analysis had to be reconstructed by IFSD, had to undergo IFSD’s internal quality assurance processes, and then be resubmitted to ISC for the privacy review. In addition, ISC provided considerations on the interpretation of ‘blank’ values² and approaches to reporting in InfoBase. IFSD undertook additional analysis at that time to review these considerations. The additional analysis was submitted to ISC for the privacy review in late July 2022.

For a detailed discussion on the dataset, including limitations, and the analysis undertaken by IFSD see Appendix A.

The approach taken by IFSD based on the number and categorization of requests differs from reporting in InfoBase. InfoBase is the Government of Canada’s public reporting tool, managed by the Treasury Board of Canada Secretariat that provides information to Canadians on expenditures and the outcomes achieved.

² “Blank” values in the Amount Requested Category or Approved Funds Category have one of two explanations: a data entry issue where no approved funding was recorded, or that more than one child is using the requested product/services, i.e., they are part of the same family. The latter, according to Indigenous Services Canada (ISC), should account for the majority, if not all of the “blank” values in these categories.

Figure 2



InfoBase request data cannot be directly compared with GC Case request data, as the reporting basis differs in the treatment of group requests. Group-level request data from the GC Case system captures needs, i.e., the requested service/product, which is the basis of IFSD's analysis. InfoBase request data for groups reflects the products and services multiplied by the number of children attached to the request, e.g., if 100 children request a health service, that health service is recorded 100 times in InfoBase but once in IFSD's methodology. IFSD's methodology is focused on understanding service requests, not the number of unique individuals requesting them and receiving approvals. In principle, InfoBase reporting should reconcile with GC Case data. IFSD was not able to reconcile InfoBase reporting with data from GC Case with the data provided, including on expenditures (Figure 2) (see the methodology note in Appendix A for further information).

In summary, the following information was provided to IFSD and is reviewed in this report:

- 1) Aggregate national-level data on Jordan's Principle requests (total expenditures) for fiscal years 2017-18 to 2020-21 (Figure 2).
- 2) Jordan's Principle request data for First Nations only for fiscal years 2019-20 and 2020-21.
- 3) A random sample of 30% of Jordan's Principle requests for First Nations only for fiscal years 2016-17, 2017-18, and 2018-19.
- 4) Aggregate data on the total requests (First Nations and non-First Nations) across fiscal years 2016-17 to 2020-21.

All qualitative and child-identifying information was excluded from the datasets by ISC.

II. General Methodological Approach: Step by Step

1. Global/Descriptive Analysis

- i. Data Source: Indigenous Services Canada (ISC)
- ii. Fiscal years: 2019-20 to 2020-21
- iii. Data Preparation:

(1) The original data sets recorded 30,281 requests for the fiscal year 2019-20 and 45,335 requests for 2020-21.

(2) IFSD clustered ISC's variables **AmountRequestedCategory** and **Approved_FundsCategory** using the list in Appendix 2. IFSD kept five clusters: \$0-\$99; \$100-\$999; \$1,000-\$4,999; \$5,000+; and (*Blank*) instead of the 145 categories reported originally.

- According to Indigenous Services Canada (ISC), "**Blank**" values in the Amount Requested Category or Approved Funds Category have one of two explanations: a data entry issue where no approved funding was recorded or that more than one child is using the requested product/services, i.e., they are part of the same family. According to Indigenous Services Canada (ISC), the latter should account for the majority, if not all, the "blank" values in these categories.

(3) IFSD clustered ISC's variables **RelationtoChild** using the list in the table below. IFSD kept four clusters: *Professional*, *Non-Professional*, *Other* and (*Blank*) instead of the eight categories reported initially (On some exceptional cases, where we analyzed Approved v. Denied requests or only Approved requests, we merged Other and blank in one unique category for a better presentation).

Count	ISC Cluster – Relation to Child	IFSD Cluster – Relation to Child
1	Community-Based Worker	Professional
2	Education Professional	
3	Health Professional	
4	Navigator	
5	Social Professional	
6	Family Member	Non-Professional
7	Other	Other
8	(blank)	(Blank)

(4)

- For 2020-21, IFSD clustered ISC's variables related to **Regional/HQ Decision Rationale**. For Eligibility, Normative Standard, Substantive Equality, Best Interest of Child, and Culturally Appropriate, values have been clustered into two groups: *Yes/Within/Eligible* and *Other (No/Not Assessed/Above/Ineligible/Blank)*.
- For 2019-20, IFSD clustered the values for **Regional/HQ Decision Rationale, but only information on Normative Standard ("Norm_STD_Clean") was available**. For Normative Standard, values have been clustered into two groups: *Yes/Within/Eligible* and *Other (No/Not Assessed/Above/Ineligible/Blank)*.

(5)

- For 2019-20, ages with outlier values (i.e., ages over 100+) were included in the 18+ age group in the ISC original data sets. These outliers were reported subsequently by Indigenous Services Canada (ISC) in a different file. By using the Unique ID and the VLOOKUP function in excel, we identified all the outliers in our data set. We then created a new category amongst age categories called "Outlier". 382 records were affected out of 30,281 overall.

(6) Discrepancies in the ISC region and ISC province tagging. (See Appendix 4 for details).

- It is important to be precise here: the total in 2019-20 for ISC regions is 30277 instead of 30281 because there are 4 requests with an unidentified province (blanks).
- The totals in 2017-18 and 2018-19 represent 30% (random sample) of the overall requests in each of these two fiscal years. This data can also be sorted by region or by province/territory, with discrepancies noted in the sample.

iv. Notes:

(1) Age data is only available for individual requests, and it is not available for group requests.

(2) Sex data is only available for individual requests, and it is not available for group requests.

v. Calculation method:

(1) IFSD Counted the number of requests using ISC-provided variables in the GC Case data set for each fiscal year (with PIVOT TABLES or COUNTIFS function in Microsoft Excel):

- Fiscal Year
- Final decision
- Province
- ISC Region
- Amount Requested Category: \$0-\$99; \$100-\$999; \$1,000-\$4,999; \$5,000+; and (blank)
- Approved_FundsCategory: \$0-\$99; \$100-\$999; \$1,000-\$4,999; \$5,000+; and (blank)
- Relation to Child
- Dataset Type (Individual v. Group Requests)
- Category
- Regional Decision
- Regional Decision Rationale: Regional Eligibility, Regional Normative Standard, Regional Substantive Equality, Regional Best Interest of Child, and Regional Culturally Appropriate.
- HQ Decision
- HQ Decision Rationale: HQ Eligibility, HQ Normative Standard, HQ Substantive Equality, HQ Best Interest of Child, and HQ Culturally Appropriate.
- Sex
- Age Category
- Covid 19 flag
- Urgency
- Days Between Initial Contact and Sufficient Information
- Days Between Initial Contact and Regional Decision
- Days Between Initial Contact and Final Decision
- Days Between a Request Being Escalated to HQ by the Region and the HQ Decision
- Days Between Final Decision and Start of Requested Program
- Days Between Start and End of Requested Service
- Appeal Decision

(2) Percentage Breakdown: Divide number of requests in each category by total number of requests.

(3) Percentage change in number of requests =
$$\frac{\text{Number of Requests in 2020-21} - \text{Number of Requests in 2019-20}}{\text{Number of Requests in 2019-20}}$$

(4) In order to do a specific analysis, for example on approved or Denied/Rejected, we filtered the variable "**Final Decision**".

2. Regional/Provincial Analysis

- i. Data Source: Indigenous Services Canada (ISC)
- ii. Fiscal years: 2019-20 to 2020-21
- iii. Data suppression rule: Entries were suppressed if requests in a province were fewer than 15 or, in some cases, if requests in a category³ are fewer than 15 for privacy reasons.
- iv. Calculation method:

(1) Thirteen (13) provinces and territories are included in this analysis: Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland and Labrador, Nova Scotia, Ontario, Prince Edward Island, Quebec, Saskatchewan, Northwest Territories, Nunavut, and Yukon.

(2) ISC identified eight (8) regions: Alberta, Atlantic, British Columbia, Manitoba, Northern, Ontario, Quebec, and Saskatchewan.

³ Charts in the Global Analysis where categories were suppressed for privacy concerns include: Number/Percentage of Requests by Sex, 2019-20 and 2020-21; Of Regionally Escalated: Number of Requests by Headquarters Normative Standard, 2020-21; Of Regionally Escalated for Which an Appeal was Recorded: Number of Requests by Appeal Decision, 2019-20 and 2020-21; Number/Percentage of Requests by Urgency, 2019-20 and 2020-21; Number of Requests by Category, 2019-20 and 2020-21; Number/Percentage of Requests by Days Between a Request Being Escalated to Headquarters by the Region and the Headquarters Decision, 2019-20 and 2020-21; Number/Percentage of Requests by Days Between Date Appeal Received and Appeal Decision Date, 2020-21; Number of Requests by Days Between Final Decision Date and Start Date of Requested Program, 2019-20 and 2020-21; Percentage of Requests by Urgency and by Days Between Regional Date of Initial Contact and Final Decision Date, 2020-21; Percentage of Requests by Days Between Regional Date of Initial Contact and Final Decision Date and by Urgency, 2019-20 and 2020-21; and Percentage of Requests by Amount Requested Category and by Number of Days between Regional Date of Initial Contact and Final Decision Date, 2019-20. In the analysis of the 14-17 age category, this was also true of Number of Requests Rejected by Headquarters-by-Headquarters Decision Rationale, 2020-21 (14-17); Percentage of Requests by Appeal Decision, 2020-21 (14-17); Percentage of Requests by IFSD Age Category and Category of Request, 2020-21; and Percentage of Requests by Age Category and Category of Request, 2019-20. In the analysis of the 30% sample, this was true for Number of Days Between Regional Date of Initial Contact and Date Received for Reporting, 2017-18 Individual Requests; Number of Days Between Regional Date of Initial Contact and Regional Decision, 2017-18 Individual Requests; Number of Days Between Regional Date Received and Regional Decision, 2017-18 Group Requests; Of Regionally Escalated Requests: Number of Requests by Number of Days Between a Request Being Escalated to Headquarters by the Region and Headquarters Decision Date; Number of Requests by Number of Days Between Regional Date of Initial Contact and Headquarters Decision Date, 2018-19; Number of Requests by Days Between Regional Date of Initial Contact and Regional Decision Date, 2017-18 and 2018-19; and Percentage of Requests by Fiscal Year and by Days Between Regional Date of Initial Contact and Regional Decision Date. In these cases, percentages were calculated with suppressed values removed from the total.

- (3) The number of requests by province/Region: IFSD counted the number of requests in each province/Region by category.
- (4) Percentage breakdown of requests by province: IFSD divided the number of requests in each province/Region (when n>15) by the total number of requests.⁴

NB: IFSD performed the analysis at the provincial level and at the regional level. IFSD followed ISC regional cluster for regional analysis.

3. Age Categories Analysis

3.1. 18+ age category Analysis:

- i. Data Source: Indigenous Services Canada (ISC)
- ii. Fiscal years: 2019-20 to 2020-21
- iii. Data Preparation:

(1) Outlier values (i.e., ages over 100+) were included in the 18+ age category in the original ISC dataset for fiscal year 2019-20. These outliers were reported subsequently by Indigenous Services Canada (ISC) in a different file. By using the Unique ID and the VLOOKUP function in excel, we identified all the outliers in our data set. We then excluded them from the 18+ age category. 382 records were removed out of 1010.

(2) No outliers were identified by ISC in 2020-21.

(3) IFSD has performed the previous analysis (Global/Descriptive, Regional, Provincial) for the 18+.

⁴ In certain cases, for privacy concerns, suppressed values were removed from the total when calculating percentages. These include: Percentage of Requests by Province and by IFSD Age Category, 2019-20; Percentage of Requests by Province and by Age Category, 2020-21; Percentage of Requests by Days Between Regional Date of Initial Contact and Regional Decision Date and by Province, 2020-21; Percentage of Requests by Days Between Regional Date of Initial Contact and Regional Decision Date and by Province, 2019-20; Percentage of Requests by Days Between Regional Date of Initial Contact and Regional Decision Date and by ISC Region, 2020-21; Percentage of Requests by Days Between Regional Date of Initial Contact and Regional Decision Date and by Province, 2019-20; and Percentage of Requests by Days Between Regional Date of Initial Contact and Regional Decision Date and by ISC Region, 2019-20.

(4) In order to do a specific analysis, for example on approved or Denied/Rejected etc., we filtered the variable **“Age category”**.

iv. Notes:

(1) “Outlier” values were removed from the dataset as they contained inaccurate age information, as indicated by Indigenous Services Canada (ISC).

NB: The N values are respectively 628 in 2019-20 and 651 in 2020-21 for 18+ requests.

3.2. Analysis of regionally approved requests in the 18+ category

Although ISC protocol states that all requests made that were above the Age of Majority be Escalated to Headquarters, there are several cases of 18+ requests being Approved at the regional level. The following tables show the provinces and fiscal years in which this occurred. This could be a function of differing ages of majority in provinces.

Of requests in the 18+ Age Category		
	Approved	Escalated
2017-18 Individuals	38	0
2018-19	100	55
2019-20	293	335
2020-21	249	402
Source: Indigenous Services Canada Note: "Outlier" values were removed from the 2019-20, 2018-19, and 2017-18 datasets as they contain inaccurate age information, as indicated by Indigenous Services Canada (ISC).		

Of requests in the 18+ Age Category		
	Approved	Escalated
2017-18 Individuals	100%	0%
2018-19	65%	35%
2019-20	47%	53%
2020-21	38%	62%
Source: Indigenous Services Canada Note: "Outlier" values were removed from the 2019-20, 2018-19, and 2017-18 datasets as they contain inaccurate age information, as indicated by Indigenous Services Canada (ISC).		

3.3. Analysis of 14-17 age category

- i. Data Source: Indigenous Services Canada (ISC)
- ii. Fiscal years: 2019-20 to 2020-21
- iii. Data Preparation:

- (1) Analysis for age category between 14 and 17 was conducted on only the observations with age Categories 14-15 and 16-17. For charts comparing the number of requests from different age categories, the 14-17 cluster was created by summing the observations in the 14-15 category and those in the 16-17 category.

NB: The N values are respectively 4237 in 2019-20 and 7208 in 2020-21.

4. Expenditure Analysis

- i. Data Source: Indigenous Services Canada (ISC), Infobase, Government of Canada
- ii. Fiscal years: 2016-17 to 2020-21
- iii. Data Preparation/Collection:

Projected Expenditure estimates were taken from:

- Infographic for Jordan's Principle and the Inuit Child First Initiative: <https://www.tbs-sct.canada.ca/ems-sgd/edb-bdd/index-eng.html#infographic/program/INDSC-BXM01/finacial>

Expenditure: Infobase estimates were taken from:

- For 2016-17 and 2017-18: Departmental Results Report 2019 to 2020, <https://www.sac-isc.gc.ca/eng/1603722953624/1603722975586>
- For 2018-19: Infographic for Child First Initiative – Jordan's Principle, <https://www.tbs-sct.canada.ca/ems-sgd/edb-bdd/index-eng.html#infographic/program/INDSC-BWU07/finacial>

NB: There was also an estimate for expenditure in 2018-19 from to Departmental Results Report 2019 to 2020, but it was not the same as the one from the Infographic for Child First Initiative – Jordan's Principle, so it was not used.

- For 2019-20: Infographic for Jordan's Principle and the Inuit Child First Initiative, <https://www.tbs-sct.canada.ca/ems-sgd/edb-bdd/index-eng.html#infographic/program/INDSC-BXM01/finacial>

NB: There was also an estimate from the Departmental Results Report 2019 to 2020, but it was not the same as the one from the Infographic for Jordan's Principle and the Inuit Child First Initiative, so it was not used.

- For 2020-21: Infographic for Jordan's Principle and the Inuit Child First Initiative, <https://www.tbs-sct.canada.ca/ems-sgd/edb-bdd/index-eng.html#infographic/program/INDSC-BXM01/financial>

Expenditure: ISC (GCCase) was taken from:

- Tables provided by Indigenous Services Canada (ISC).

Approved Requests: Infobase was taken from:

- For 2016-17 and 2017-18: Departmental Results Report 2019 to 2020, <https://www.sac-isc.gc.ca/eng/1603722953624/1603722975586>
- For 2018-19: Departmental Results Report 2019 to 2020, <https://www.sac-isc.gc.ca/eng/1603722953624/1603722975586> and Infographic for Child First Initiative – Jordan's Principle, <https://www.tbs-sct.canada.ca/ems-sgd/edb-bdd/index-eng.html#infographic/program/INDSC-BWU07/results>
- For 2019-20: Departmental Results Report 2019 to 2020, <https://www.sac-isc.gc.ca/eng/1603722953624/1603722975586> and Infographic for Jordan's Principle and the Inuit Child First Initiative, <https://www.tbs-sct.canada.ca/ems-sgd/edb-bdd/index-eng.html#infographic/program/INDSC-BXM01/results>
- For 2020-21: Infographic for Jordan's Principle and the Inuit Child First Initiative, <https://www.tbs-sct.canada.ca/ems-sgd/edb-bdd/index-eng.html#infographic/program/INDSC-BXM01/results>

Approved Requests: ISC (GCCase) was taken from:

- Tables provided by Indigenous Services Canada (ISC).

5. Needs Analysis

- i. Data Source: Indigenous Services Canada (ISC) and Statistics Canada
- ii. Fiscal years: 2020-21
- iii. Data Preparation:

- (1) IFSD built their own needs clusters using the “Needs” column in ISC 2020-21 data file (Appendix 1).
- (2) Please note that the cluster “Dental/Orthodontics” is a subcategory of the cluster “Health and Mental health”.
- (3) To build the charts with the median Household income and the number of requests, we used statistics Canada as the primary source:
 - Statistics Canada built for IFSD a custom tabulation containing the median Household Income for each Band/First nation by Province on reserve (Based on 2016 Census data) and the number of households when the information was available.
 - For the 2019 MBM provincial poverty line, IFSD also used Statistics Canada as the primary source:
<https://www150.statcan.gc.ca/t1/tbl1/en/cv.action?pid=1110006601>.

This is for a four-person family (many First Nations on-reserve have more than four people per household), and IFSD used the number for each region for a population <30,000.

iv. Notes:

- (1) Each ISC need was assigned to only one IFSD needs cluster.
- (2) IFSD clustered Poverty as all the needs composed by: Affordability, Lack of Access to Service, Malnutrition, Unsafe Living Conditions, Unspecified Financial and Unspecified Low Income.
- (3) IFSD clustered Child Welfare as all the needs composed by: Child Apprehension Prevention, Preserving Family Integrity, Unspecified Family and Unspecified Family Integrity.
- (4) IFSD clustered Covid-19 as all the needs composed by: Covid-19 and Covid-19 Not Use.
- (5) IFSD clustered Dental/Orthodontic as all the needs composed by: Oral Infection (Dental Abscess), Unspecified Dental, Unspecified Dental/Orthodontic, Tooth Decay (Cavity), Malocclusion (Misaligned/Crooked Teeth) and Unspecified Orthodontic.
- (6) There were under 15 requests with an unidentified province. These were removed from this chart.
- (7) In ISC’s data file, multiple needs can be selected for the same request. In this case, we would assign the same request to multiple IFSD needs clusters. As a result, when we sort all needs from all requests, we cannot add the numbers up (to avoid double-counting).

(8) We do not have definitions for the “Needs” column in the ISC data file and the primary need cannot be defined.

v. Calculation method:

To populate our different clusters, we used two methods to ensure the exactitude.

- First Method:

First, we sorted the needs column to identify the 267 unique ISC needs (Appendix A). Second, we used a formula to align each request to a cluster:

=SUMPRODUCT (--ISNUMBER(SEARCH(Table7[Column1], F2)))>0

- Second Method:

First, we separated the needs column into multiple columns containing one need by cell. Second, for each cluster, we sorted every newly created column by selecting all the needs associated.

The two methods gave us the same number for each cluster.

6. 30% Random Sample Analysis

i. Data Source: Indigenous Services Canada (ISC)

ii. Fiscal years: From 2016-17 to 2018-19.

iii. Data Preparation:

(1) The original data sets recorded 16,237 requests for the fiscal year 2018-19 and 6,254 requests for the fiscal year 2017-18. Unfortunately, ISC 2016-17 data does not identify the total number of requests received for that fiscal year. The 30% random sample obtained by IFSD gave us then, 1877 in 2017-18 and 4842 in 2018-19.

(2) In 2017-18, the ISC data separated the data into two tabs: individual and Group requests, unlike subsequent fiscal years. For analytic consistency, IFSD merged individual and group requests for 2017-18. The column “dataset” was created for this fiscal year.

(3) In 2017-18, we created a new column for normative standards. The information provided by ISC included entries in English and French, as well as categories that could be merged:

Count	ISC Cluster – Normative Standard	IFSD Cluster – Normative Standard
1	Above	Above/Supérieur
2	Supérieur	
3	Yes	Yes/Oui
4	Oui	
5	No	No/Non
6	Non	
7	Within	Within/Égal
8	Égal	
9	Below	Below
10	(Blank)	(Blank)

(4) In 2017-18, we created a new column for urgency. The information provided by ISC included entries in English and French, as well as categories that could be merged:

Count	ISC Cluster – Urgency	IFSD Cluster – Urgency
1	Non urgent	Non urgent
2	Not urgent	
3	Urgent	Urgent
5	(blank)	(Blank)

(5) In 2018-19, ISC noted three categories for sex: Male, Female and Unspecified. In 2017-18, we created a new column for sex. The information provided by ISC included entries in English and French, as well as categories that could be merged:

Count	ISC Cluster – Sex	IFSD Cluster – Sex
1	Female	Female
2	F	
3	Male	Male
4	M	
5	(blank)	(Blank)

(1) IFSD clustered ISC's variables **AmountRequestedCategory** and **Approved_FundsCategory** using the list in Appendix 2. IFSD kept five clusters: \$0-\$99; \$100-\$999; \$1,000-\$4,999; \$5,000+; and (Blank) instead of the 145 categories originally provided by ISC.

- According to Indigenous Services Canada (ISC), “**Blank**” values in the Amount Requested Category or Approved Funds Category have one of two explanations: a data entry issue where no approved funding was recorded or that more than one child is using the requested product/services, i.e., they are part of the same family. The latter, according to Indigenous Services Canada (ISC), should account for the majority, if not all the “blank” values in these categories.
- (2) In 2017-18, the final decision variable was obtained by combining the variables for (Regional) Decision and Headquarters Decision.
- (3) In 2018-19, IFSD merged some categories for normative standards. The information provided by ISC included entries in English and French, as well as categories that could be merged:

Count	ISC Cluster – Normative Standard	IFSD Cluster – Normative Standard
1	Above	Above/Supérieur/Beyond
2	Beyond	
3	Supérieur	
4	Yes	Yes/Oui
5	Oui	
6	No	No/Non
7	Non	
8	Within	Within/Below
9	Below	
10	Égal	Égal
11	Within for assessment/Above for Tutoring	(Blank) and Other
12	Within/Above	
13	(Blank)	

- (4) In 2017-18 and 2018-19, ages with outlier values (i.e., ages over 100+) were included in the 18+ age group in the ISC original data sets. These outliers were reported subsequently by Indigenous Services Canada (ISC) in a different file. By using the Unique ID and the VLOOKUP function in excel, we identified all the outliers in our data set. We created a special category for them from the 18+ age category, named “outlier”. We noted 1 record in 2018-19 and 49 in 2017-18.

iv. Notes:

- (1) For 2016-17. Line level data is unavailable. Full dataset counts are provided.
- (2) For 2017-18, 30% randomly sampled extract of individual records and 30% randomly sampled extract of group records were provided in separate tabs.

- (3) For 2018-19, 30% randomly sampled extract of individual and group records were provided in the same tab.
- (4) Age data is only available for individual requests, and it is not available for group requests.
- (5) Sex data is only available for individual requests, and it is not available for group requests.
- (6) 2017-18 data does not distinguish between Headquarters and Regional Normative Standard as in 2020-21.
- (7) ISC 2016-16 data on urgency is only available for individual requests, not for group requests. For subsequent fiscal years (i.e., 2018-19, 2019-20 and 2020-21), it is available for both individual and group requests.
- (8) ISC 2017-18 data only reports the Headquarters Decision for individual requests, not for group requests.
- (9) "Outlier" values contain inaccurate age information, as indicated by Indigenous Services Canada (ISC).
- (10) "Blank" values in the IFSD Approved Funds Category have one of two explanations: a data entry issue where no approved funding was recorded or that more than one child is using the requested product/services, i.e., they are part of the same family. The latter, according to Indigenous Services Canada (ISC), should account for the majority, if not all the "blank" values in these categories.

vi. Calculation method:

- (1) Count number of requests by following categories
 - Final decision
 - Sex
 - Age Category
 - Amount Requested Category: \$0-\$99; \$100-\$999; \$1,000-\$4,999; \$5,000+; and (blank)
 - Approved_FundsCategory: \$0-\$99; \$100-\$999; \$1,000-\$4,999; \$5,000+; and (blank)
 - Category

- (2) Percentage Breakdown: Divide the number of requests in each category by total number of requests.

7. Timeline Analysis

- i. Data Source: Indigenous Services Canada (ISC)
- ii. Fiscal years: From 2017-18 to 2020-21.
- iii. Data Preparation:

From 2019-20 - 2020-21:

- (1) IFSD calculated Days Between Regional Date of Initial Contact and Sufficient Information Date = ***SufficientInformation/SufficientInformationDate - InitialContact/InitialContactDate*** (which are converted into a date using the INT function if necessary), excluding any entry where either of the two dates was blank; and then clustered days into: 0-2, 3-7, 8-30, 31-60, 61-100, 101-200, 201+, and Error (Error indicates that dates were coded in ways that could not correspond to an actual timeframe).
- (2) IFSD calculated Days Between Regional Date of Initial Contact and Regional Decision Date = ***RegionalDecisionDate/RegionalDecisionDate - InitialContact/InitialContactDate*** (which are converted into a date using the INT function if necessary), excluding any entry where either of the two dates was blank; and then clustered days into: 0-2, 3-7, 8-30, 31-60, 61-100, 101-200, 201+, and Error (Error indicates that dates were coded in ways that could not correspond to an actual timeframe).
- (3) IFSD calculated Days Between Regional Date of Initial Contact and Final Decision Date = ***Final_decision_date/ Final decision date - InitialContact/InitialContactDate*** (which are converted into a date using the INT function if necessary), excluding any entry where either of the two dates was blank; and then clustered the days into: 0-2, 3-7, 8-30, 31-60, 61-100, 101-200, 201+, and Error (Error indicates that dates were coded in ways that could not correspond to an actual timeframe).
- (4) IFSD calculated Days Between a Request Being Escalated to Headquarters by the Region and Headquarters Decision Date = ***RegionalDecisionDate/RegionalDecisionDate - HQDecisionDate/ HQDecisionDate*** (which are converted into a date using the INT function if necessary), excluding any entry where either of the two dates was blank; and then

clustered into: 0-2, 3-7, 8-30, 31-60, 61-100, 101-200, 201+, and Error (for 2020-21) AND 0-2, 3-7, 8-30, 31-60, 61+, and Error (for 2019-20 and 2020-21) (Error indicates that dates were coded in ways that could not correspond to an actual timeframe).

- (5) IFSD calculated Days Between Final Decision Date and Start Date of Requested Service = ***StartDate - Final_decision_date/ Final decision date*** (which are converted into a date using the INT function if necessary), excluding any entry where either of the two dates was blank; and then clustered into: 0-2, 3-7, 8-30, 61-100, 101-200, 201-364, 364+, and Error (Error indicates that dates were coded in ways that could not correspond to an actual timeframe).
- (6) IFSD calculated Days Between Start Date of Requested Service and End Date of Requested Service = ***EndDate – StartDate*** (which are converted into a date using the INT function if necessary), excluding any entry where either of the two dates was blank; and then clustered into: 0-2, 307, 8-30, 31-60, 61-100, 101-200, 201-364, 364+, and Error (Error indicates that dates were coded in ways that could not correspond to an actual timeframe).
- (7) IFSD calculated Days Between Date Appeal Received and Appeal Decision Date = ***APPEAL DECISION DATE (yyyy-mm-dd) – DATE HQ RECEIVED APPEAL*** (which are converted into a date using the INT function if necessary), excluding any entry where either of the two dates was blank; and then clustered into: 0-2, 307, 8-30, 31-60, 61-100, 101-200, 201+, and Error or 0-2, 3-7, 8-15, 16-30, 31-45, 46-60, 61-75, 76-90, 91-105, 106-120, 121-135, 136-150, 151-165, 166-180, 181-195, 196-210, 211-240, 241-315, and Error (Error indicates that dates were coded in ways that could not correspond to an actual timeframe).

For 2017-18 (Individual only):

- (8) IFSD calculated Days Between Regional Date of Initial Contact and Date Received for Reporting= ***Date received_for reporting – Regional Date of Initial Contact***, excluding any entry where either of the two dates was blank; and then clustered into: 0-2, 3-7, 8-30, 31+, and Error. (Error indicates that dates were coded in ways that could not correspond to an actual timeframe).
- (9) IFSD calculated Days Between Request Received for Reporting and Regional Decision Date = ***Decision Date - Date received_for reporting***, excluding any entry where either of the two dates was blank; and then clustered into: 0-2, 3-7, 8-30, 31+, and Error. (Error indicates that dates were coded in ways that could not correspond to an actual timeframe).

- (10) IFSD calculated Days Between Regional Date of Initial Contact and (Regional) Decision Date = **Decision Date - Regional Date of Initial Contact**, excluding any entry where either of the two dates was blank; and then clustered into: 0-2, 3-7, 8-30, 31+, and Error. (Error indicates that dates were coded in ways that could not correspond to an actual timeframe).

For 2017-18 (Group only):

- (11) IFSD calculated Days Between Date Received and (Regional) Decision Date = **Decision date - Date Received**, excluding any entry where either of the two dates was blank; and then clustered into: 0-2, 3-7, 8-+ and Error. (Error indicates that dates were coded in ways that could not correspond to an actual timeframe).

For 2018-19:

- (12) IFSD calculated Days Between Regional Date of Initial Contact and Sufficient Information Date = **Sufficient_Info_Date – InitialContactDate**, excluding any entry where either of the two dates was blank; and then clustered into: 0-2, 3-7, 8-30, 31-60, 61-100, 101+, and Error. (Error indicates that dates were coded in ways that could not correspond to an actual timeframe).

- (13) IFSD calculated Days Between Sufficient Information Date and Regional Decision Date = **RegionalDecisionDate - Sufficient_Info_Date**, excluding any entry where either of the two dates was blank; and then clustered into: 0-2, 3-7, 8-30, 31-60, 61+, and Error. (Error indicates that dates were coded in ways that could not correspond to an actual timeframe).

- (14) IFSD calculated Days Between Regional Date of Initial Contact and Regional Decision Date = **InitialContactDate - RegionalDecisionDate**, excluding any entry where either of the two dates was blank; and then clustered into: 0-2, 3-7, 8-30, 31-60, 61-100, 101+, and Error. (Error indicates that dates were coded in ways that could not correspond to an actual timeframe).

- (15) IFSD calculated Days Between a Request Being Escalated to Headquarters by the Region and Headquarters Decision Date = **HQDecisionDate - RegionalDecisionDate**, excluding any entry where either of the two dates was blank; and then clustered into: 0-2, 3-7, 8-30, 31-60, 61+, and Error. (Error indicates that dates were coded in ways that could not correspond to an actual timeframe).

- (16) IFSD calculated Days Between Initial Contact and Headquarters Decision = ***HQDecisionDate - InitialContactDate***, excluding any entry where either of the two dates was blank; and then clustered into: 0-2, 3-7, 8-30, 31-60, 61-100, 101+, and Error. (Error indicates that dates were coded in ways that could not correspond to an actual timeframe).

In cases where values had to be suppressed (such as in some timeline analysis broken down by province), percentages were calculated with suppressed values removed from the total for ISC privacy concerns.

8. Reconciliation between InfoBase and GCCase.

- i. Data Source: Indigenous Services Canada (ISC)
- ii. Fiscal years: From 2016-17 to 2020-21.
- iii. Data Preparation:

As reported by ISC, InfoBase request data cannot be directly compared with GCCase data request data, as the reporting basis differs:

- a. Group-level request data from the GCCase system captures needs, i.e., the requested service/product.
- b. InfoBase reflects the products and services, this is calculated by multiplying the request with the number of children attached to it. According to ISC, this should not be interpreted as the number of unique individuals with approvals through Jordan's Principle as children with multiple requests are counted at each instance.
- c. To reconcile InfoBase reporting with GCCase data, group requests must be counted as multiple individuals in the group, i.e., the number of children/youth receiving the product/service (variable "Report_est_2" in the GCCase dataset). According to ISC, additional refinements are made at the time of reporting which may cause slight divergence.

IFSD tried to replicate ISC methodology based on data they provided to us. We started with the most complete dataset 2020-21:

For total number of children making requests as individuals in 2020-21: IFSD tried to use pivot tables to determine how many requests are associated with each value of ***PRS_New***.

For total number of children making requests as groups in 2020-21: IFSD, to avoid double or multiple counting, removed all values associated to a ***Report_est_2*** for the same ***PRS_New***. Use pivot tables to determine how many requests are associated with each value of ***PRS_New*** and use the value in ***Report_est_2***, as well as the number of requests to determine the number of individuals in each group associated to each value of ***PRS_New***.

NB: this analysis could underestimate the number of children because, for some requests in a group, there were no “PRs_New” associated and no “Report_est_2” values too. (ex: case ID 20310).

This type of analysis cannot be done for previous fiscal years because **PRs_New** is only available for 2020-21. The data manifests clarify that the variable **ChildUniqueIdentifier_New** contains “poor quality” data and, as such, were not used to identify the number of children making requests in previous fiscal years.

IFSD then endeavoured to use another variable to match ISC methodology on data they provided to us. IFSD always started with the most complete dataset 2020-21:

This data set had “**case_id**” and “**report_est_2**”. IFSD removed duplicate values by using “**case_id**” because this variable is available for all fiscal years (for 2020-21, we normally should have the same result if you use “**case_id**” or “**prs_new**”. So, IFSD tried to use “**case_id**” for all fiscal years. In the manifest, ISC says “**case_id new**” for 2019-20 is only available for those in GCCase, so when we filtered by group, we had some blanks. What IFSD noticed by reviewing their data set is that “**case_id**” seems like the unique identifier for 2020-21, and then for 19-20, “**case_id**” is not available for the non-GCCase so we cannot use “**case_id**” for 19-20. On one hand, if each group request has shared the same “**childuniqueidentifier**” in 2020-21, on the other hand, each group request has the same “**case_id**” but not the same “**prs_new**” (ex. Case_id 20273).

IFSD noted also that “**Unique_ID**” is useless to answer that question. And, we have no unique identifier for Groups in 2017-18.

For 17-18 and 18-19, we don’t have information on “**ChildUniqueIdentifier**” for group requests. And some of the “**report_est_2**” of the estimated number of children are blank.

Considering all the above, IFSD cannot reconcile InfoBase data with the data provided by ISC.

9. Comparison of all available fiscal years: From 2016-17 to 2020-21

i. Data Source: Indigenous Services Canada (ISC)

ii. Fiscal years: From 2016-17 to 2020-21.

iii. Data Preparation:

(1) The original data sets recorded 30,281 requests for the fiscal year 2019-20 and 45,335 requests for the fiscal year 2020-21.

(2) The original data sets recorded 16,237 requests for the fiscal year 2018-19 and 6,254 requests for the fiscal year 2017-18. Unfortunately, ISC 2016-17 data does not identify the total number of requests received for that fiscal year as it is in subsequent fiscal

years. The 30% random sample obtained by IFSD gave us then, 1877 in 2017-18 and 4842 in 2018-19.

(3) IFSD clustered ISC's variables **AmountRequestedCategory** and **Approved_FundsCategory** using the list in Appendix 2. IFSD kept five clusters: \$0-\$99; \$100-\$999; \$1,000-\$4,999; \$5,000+; and (*Blank*) instead of the 145 categories reported originally.

- According to Indigenous Services Canada (ISC), "**Blank**" values in the Amount Requested Category or Approved Funds Category have one of two explanations: a data entry issue where no approved funding was recorded or that more than one child is using the requested product/services, i.e., they are part of the same family. The latter, according to Indigenous Services Canada (ISC), should account for the majority, if not all the "blank" values in these categories.

iv. Notes:

(1) For 2016-17. Line level data is unavailable. Full dataset counts are provided.

(2) ISC 2016-17 data on age is not available.

(3) it is the 30% random sample data from 2017-18 to 2018-19, and the total data sets from 2019-2020 to 2020-21.

(4) "Outlier" values contain inaccurate age information, as indicated by Indigenous Services Canada (ISC).

(5)) ISC 2016-17 data on the amount requested is not available.

(6) "Blank" values in the IFSD Amount Requested Category have one of two explanations: a data entry issue where no requested funding was recorded or that more than one child is using the requested product/services, i.e., they are part of the same family. The latter, according to Indigenous Services Canada (ISC), should account for the majority, if not all the "blank" values in these categories.

(7) 2016-17 data on approved funds are not available.

(8) "Blank" values in the IFSD Approved Funds Category have one of two explanations: a data entry issue where no approved funding was recorded or that more than one child is using the requested product/services, i.e., they are part of the same family. The latter, according to Indigenous Services Canada (ISC), should account for the majority, if not all, of the "blank" values in these categories.

- (9) For both ISC 2016-17 data and ISC 2017-18 data, the final decision variable was obtained by combining the variables for Regional Decision and Headquarters Decision.

10. Products/Services Analysis (An example of an alternative approach)

IFSD analyzed GCCase data by using the “**ItemID**” variable. This variable was then crossed with others to try to answer the project’s research questions, e.g., “**Final_Decision**” or the “**RelationtoChild**,” etc.

To illustrate an alternative approach to analyzing the GCCase data, IFSD produces the example below in which the “**AmountRequestedCategory**” is crossed with other variables, in this case, “**ApprovedFundsCategory**” illustratively.

While possible to reproduce, this approach was considered insufficient to answer the research questions. See Appendix 7 for an example of this approach.

i. Data Source: Indigenous Services Canada (ISC)

ii. Fiscal year: 2020-21

iii. Data Preparation:

- (1) The original data sets recorded 45,335 requests for 2020-21. And the number of Products/services (“**ItemID**”) associated with the requests is 39382.
- (2) IFSD used the variable “**Final_Decision**” to classify between approved and denied as usual.
- (3) IFSD used the variable “**FY_Categorization**” to classify by category as usual.

iv. Calculation method:

- (1) IFSD counted the number of products/services by following ISC variables (“**ItemID**”) in the data set for 2020-21 (with PIVOT TABLES in Microsoft Excel).
- (2) IFSD added to (1) the variables “**AmountRequestedCategory**,” “**ApprovedFundsCategory**,” and “**Final_Decision**.”
- (3) Then, IFSD created a different table for each row in the summary tables with the filter function in Microsoft excel.

v. Notes:

- (1) Some items are assigned to 2 categories

(2) * Entries for Oral Health (Excluding Orthodontics), Orthodontics and Vision Care were suppressed because total Items were fewer than 15.

Appendix 1: IFSD Needs Clusters

Count	ISC Needs	IFSD Needs Clusters
1	Child Apprehension Prevention	Child Welfare
2	Preserving Family Integrity	
3	Unspecified Familial	
4	Unspecified Family Integrity	
5	COVID-19	Covid-19
6	COVID-19- DO NOT USE	
7	Assisting Student in Surpassing Academic Standards	Education
8	Difficulty Interpreting Visual Information	
9	Difficulty with Fine Motor Skills	
10	Difficulty with Math	
11	Difficulty with Reading	
12	Difficulty with Writing	
13	Ensuring Participation in School Activities	
14	Ensuring Student Meets Academic Standards	
15	Learning Assistance	
16	Specific Language Impairment	
17	Speech Sound Disorder	
18	Stuttering	
19	Unspecified Academic Performance (Grades)	
20	Unspecified Education	
21	Unspecified Language Disorder	
22	Unspecified Learning Assistance	
23	Unspecified Learning Disorder	
24	Unspecified Speech and Language Impairment	
25	Unspecified Speech Disorder	
26	Acne	Health and mental health
27	Agoraphobia	
28	Alcohol-use Disorder (Alcohol Addiction)	
29	Angelman Syndrome	
30	Ankyloglossia (Tongue-tie)	
31	Anorexia Nervosa	
32	Aphasia	
33	Apneic Spells	

34	Apparent Life-Threatening Event (ALTE)	
35	Apraxia of Speech	
36	Arrhythmia	
37	Arthritis	
38	Arthrogyposis Multiplex Congenita	
39	Asperger Syndrome	
40	Asthma	
41	Attention-Deficit Hyperactivity Disorder (ADHD)	
42	Autistic Disorder	
43	Avoidant/Restrictive Food intake Disorder	
44	Back Pain	
45	Binge Eating Disorder	
46	Bipolar Disorder	
47	Bone Fracture	
48	Brain Tumor	
49	Bronchiolitis	
50	Bulimia Nervosa	
51	Celiac	
52	Cerebral Palsy	
53	Change in Chromosome Number	
54	Change in Chromosome Structure	
55	Chiari Malformation	
56	Chronic Motor or Vocal Tic Disorder	
57	Chronic Rhinitis	
58	Clubfoot	
59	Concussion	
60	Conduct Disorder (CD)	
61	Congenital Heart Disease	
62	Constipation	
63	Craniofacial Abnormalities	
64	Craniosynostosis	
65	Crohns Disease	
66	Cystic Fibrosis	
67	Dermatomyositis	
68	Developmental Verbal Dyspraxia	
69	Diabetes	

70	Diarrhea
71	Difficulty Hearing Differences Between Sounds
72	Downs Syndrome
73	Due to a general medical condition
74	Dysarthria
75	Eczema
76	Encephalopathy
77	Encopresis
78	Ensuring Physical Health
79	Enuresis
80	Environmental Allergy
81	Failure to Thrive
82	Febrile Seizures
83	Fecal Incontinence
84	Fetal alcohol spectrum disorders (FASD)
85	Focal and Multifocal Seizures
86	Food Allergy
87	Functional Abdominal Pain
88	Gait / Walking Disorders
89	Gene Abnormality
90	Generalized Anxiety Disorder
91	Glucose Transporter Type-1 Deficiency Syndrome (Glut1 DS)
92	Growth Disorder
93	Hearing Loss
94	Heart Attack
95	Heart Failure
96	Heart Valve Problem
97	Human Immunodeficiency
98	Hydrocephalus
99	Hyperinsulinemia
100	Hyperopia (far-sightedness)
101	Hypotonia
102	Immunization
103	Infantile Spasms
104	Insomnia

105	Iron Deficiency
106	Juvenile Rheumatoid Arthritis
107	Ketogenic Diets
108	Kidney Failure
109	Leukemia
110	Lice
111	Lupus
112	Lymphoma
113	Major Depressive Disorder (Depression)
114	Malocclusion (Misaligned/Crooked Teeth)
115	Meningitis
116	MENTAL
117	Migraine
118	Mitochondrial Diseases
119	Myelomeningocele (Spina Bifida)
120	Myopia (near-sightedness)
121	Neurofibromatosis Type 1 (NF1)
122	Nicotine-use Disorder (Nicotine Addiction)
123	Nightmares / Night Terrors (Parasomnias)
124	Obesity
125	Onychocryptosis (Ingrown Nail)
126	Opioid-use Disorder (Opioid Addiction)
127	Oppositional Defiant Disorder (ODD)
128	Oral Infection (Dental Abscess)
129	Orofacial Myofunctional Disorder
130	Osteosarcoma
131	Panic Disorder
132	Paralysis
133	Paraplegia
134	Persistent Depressive Disorder (Dysthymia)
135	Pervasive Developmental Disorder
136	Plagiocephaly
137	Pneumonia
138	Post-Concussion Syndrome
139	Posttraumatic Stress Disorder (PTSD)
140	Potential Neurological Disorder

141	Pregnancy/Prenatal Screening
142	Premature Birth
143	Premenstrual Dysmorphic Disorder
144	Quadriplegia
145	Reflux
146	Schizophrenia
147	Scoliosis
148	Selective Mutism
149	Separation Anxiety Disorder
150	Short Bowel Syndrome
151	Sleep Apnea
152	Social Anxiety Disorder
153	Socialization Issue
154	Spasticity
155	Specific Phobia
156	Spinal Cord Cell Disease
157	Spinal Cord Injury
158	Spine Tumor
159	Stimulant-use Disorder (Stimulant Addiction)
160	Stroke
161	Substance-Induced
162	Temporomandibular Joint Dysfunction
163	Tethered Spinal Cord Syndrome
164	Thyroid Disease
165	Tooth Decay (Cavity)
166	Torticollis
167	Tourettes Syndrome
168	Transport Injuries
169	Tuberculosis
170	Tuberculosis Sclerosis Complex
171	Unintentional Injuries (Non-Transport)
172	Unspecified Acute or Chronic Respiratory Diseases
173	Unspecified Allergy
174	Unspecified Anemia
175	Unspecified Anxiety or Panic Disorder
176	Unspecified Autism Spectrum Disorder (ASD)

177	Unspecified Autoimmune and Autoinflammatory Diseases	
178	Unspecified Bacterial or Viral Infections	
179	Unspecified Blood Cancer	
180	Unspecified Blood Disease/ Disorder	
181	Unspecified Bone Cancers	
182	Unspecified Brain Cancer	
183	Unspecified Calculi	
184	Unspecified Cancer	
185	Unspecified Cardiovascular and Circulatory Disease	
186	Unspecified Change in Chromosome	
187	Unspecified Congenital and Genetic Disease	
188	Unspecified Congenital Malformation	
189	Unspecified Dental	
190	Unspecified Dental/Orthodontic	
191	Unspecified Developmental Disorders	
192	Unspecified Diets and Other Dietary Therapies	
193	Unspecified Digestive Disease	
194	Unspecified Disruptive Behavior Disorders (DBD)	
195	Unspecified Ear Disease	
196	Unspecified Ear, Nose, and Throat Diseases	
197	Unspecified Eating Disorders	
198	Unspecified Elimination Disorder	
199	Unspecified Endocrine and Metabolic Diseases/Disorders	
200	Unspecified Endocrine Disease	
201	Unspecified Environmental Disease	
202	Unspecified Eye Disease	
203	Unspecified Genetic Disorder	
204	Unspecified Headache	
205	Unspecified Health	
206	Unspecified Infectious Disease	
207	Unspecified Injury	
208	Unspecified Kidney and Urinary Disease	
209	Unspecified Mental Disorder	
210	Unspecified Mental Health Disorder	
211	Unspecified Metabolic Disorders	

212	Unspecified Mood Disorders
213	Unspecified Mouth Disease
214	Unspecified Musculoskeletal Disorders
215	Unspecified Neoplasm
216	Unspecified Nerve and Muscle Diseases
217	Unspecified Neurological Disorder
218	Unspecified Newborn
219	Unspecified Nose Disease
220	Unspecified Nutritional Disorder
221	Unspecified Pediatric Condition
222	Unspecified Physical Access
223	Unspecified Physical Illness
224	Unspecified Pregnancy
225	Unspecified Psychotic Disorder
226	Unspecified Rare Cancer
227	Unspecified Renal Failure
228	Unspecified Respiratory Disease
229	Unspecified Screening
230	Unspecified Seizure
231	Unspecified Skin Disease
232	Unspecified Sleep Disorder
233	Unspecified Spine Disease
234	Unspecified Substance-use Disorder (Unspecified Addiction)
235	Unspecified Throat Disease
236	Unspecified Tic Disorders
237	Unspecified Vertigo
238	Unspecified Viral Infection
239	Unspecified Vision Impairment
240	Upper Respiratory Tract Infection (UTRI - Common Cold)
241	Urinary Incontinence
242	Urinary Tract Infection (UTI)
243	Viral Infection
244	Voice Disorder
245	Vomiting

246	Unspecified Orthodontic	
247	Unspecified Safety Concerns	Other
248	Missing Status Registration	
249	Unspecified Treaty Rights	
250	Unspecified Access	
251	Unspecified Need	
252	Affordability	Poverty
253	Lack of Access to Service	
254	Malnutrition	
255	Unsafe Living Conditions	
256	Unspecified Financial	
257	Unspecified Low Income	
258	Retro 2020 CHRT 36	Retro 2020 CHRT 36
259	Unspecified Healthy Relationships	Social Development
260	Furthering Cultural Awareness	
261	Global Developmental Delays	
262	Healthy Relationships	
263	Unspecified Cultural	
264	Unspecified Participation	
265	Unspecified Reconciliation	
266	Unspecified Relationships	
267	Unspecified Social	
	Oral Infection (Dental Abscess)	Dental/Orthodontic
	Unspecified Dental	
	Unspecified Dental/Orthodontic	
	Tooth Decay (Cavity)	
	Malocclusion (Misaligned/Crooked Teeth)	
	Unspecified Orthodontic	

Appendix 2

AmountRequestedCategory	Approved_FundsCategory	IFSD Clusters
0-24	0-24	\$0-\$99
25-49	25-49	\$0-\$99
50-74	50-74	\$0-\$99
75-99	75-99	\$0-\$99
100-124	100-124	\$100-\$999
125-149	125-149	\$100-\$999
150-174	150-174	\$100-\$999
175-199	175-199	\$100-\$999
200-224	200-224	\$100-\$999
225-249	225-249	\$100-\$999
250-274	250-274	\$100-\$999
275-299	275-299	\$100-\$999
300-324	300-324	\$100-\$999
325-349	325-349	\$100-\$999
350-374	350-374	\$100-\$999
375-399	375-399	\$100-\$999
400-424	400-424	\$100-\$999
425-449	425-449	\$100-\$999
450-474	450-474	\$100-\$999
475-499	475-499	\$100-\$999
500-524	500-524	\$100-\$999
525-549	525-549	\$100-\$999
550-574	550-574	\$100-\$999
575-599	575-599	\$100-\$999
600-624	600-624	\$100-\$999
625-649	625-649	\$100-\$999
650-674	650-674	\$100-\$999
675-699	675-699	\$100-\$999
700-724	700-724	\$100-\$999
725-749	725-749	\$100-\$999
750-774	750-774	\$100-\$999
775-799	775-799	\$100-\$999
800-824	800-824	\$100-\$999
825-849	825-849	\$100-\$999
850-874	850-874	\$100-\$999
875-899	875-899	\$100-\$999
900-924	900-924	\$100-\$999

925-949	925-949	\$100-\$999
950-974	950-974	\$100-\$999
975-999	975-999	\$100-\$999
1000-1049	1000-1049	\$1,000-\$4,999
1050-1099	1050-1099	\$1,000-\$4,999
1100-1149	1100-1149	\$1,000-\$4,999
1150-1199	1150-1199	\$1,000-\$4,999
1200-1249	1200-1249	\$1,000-\$4,999
1250-1299	1250-1299	\$1,000-\$4,999
1300-1349	1300-1349	\$1,000-\$4,999
1350-1399	1350-1399	\$1,000-\$4,999
1400-1449	1400-1449	\$1,000-\$4,999
1450-1499	1450-1499	\$1,000-\$4,999
1500-1549	1500-1549	\$1,000-\$4,999
1550-1599	1550-1599	\$1,000-\$4,999
1600-1649	1600-1649	\$1,000-\$4,999
1650-1699	1650-1699	\$1,000-\$4,999
1700-1749	1700-1749	\$1,000-\$4,999
1750-1799	1750-1799	\$1,000-\$4,999
1800-1849	1800-1849	\$1,000-\$4,999
1850-1899	1850-1899	\$1,000-\$4,999
1900-1949	1900-1949	\$1,000-\$4,999
1950-1999	1950-1999	\$1,000-\$4,999
2000-2049	2000-2049	\$1,000-\$4,999
2050-2099	2050-2099	\$1,000-\$4,999
2100-2149	2100-2149	\$1,000-\$4,999
2150-2199	2150-2199	\$1,000-\$4,999
2200-2249	2200-2249	\$1,000-\$4,999
2250-2299	2250-2299	\$1,000-\$4,999
2300-2349	2300-2349	\$1,000-\$4,999
2350-2399	2350-2399	\$1,000-\$4,999
2400-2449	2400-2449	\$1,000-\$4,999
2450-2499	2450-2499	\$1,000-\$4,999
2500-2599	2500-2599	\$1,000-\$4,999
2600-2699	2600-2699	\$1,000-\$4,999
2700-2799	2700-2799	\$1,000-\$4,999
2800-2899	2800-2899	\$1,000-\$4,999
2900-2999	2900-2999	\$1,000-\$4,999
3000-3099	3000-3099	\$1,000-\$4,999

3100-3199	3100-3199	\$1,000-\$4,999
3200-3299	3200-3299	\$1,000-\$4,999
3300-3399	3300-3399	\$1,000-\$4,999
3400-3499	3400-3499	\$1,000-\$4,999
3500-3599	3500-3599	\$1,000-\$4,999
3600-3699	3600-3699	\$1,000-\$4,999
3700-3799	3700-3799	\$1,000-\$4,999
3800-3899	3800-3899	\$1,000-\$4,999
3900-3999	3900-3999	\$1,000-\$4,999
4000-4099	4000-4099	\$1,000-\$4,999
4100-4199	4100-4199	\$1,000-\$4,999
4200-4299	4200-4299	\$1,000-\$4,999
4300-4399	4300-4399	\$1,000-\$4,999
4400-4499	4400-4499	\$1,000-\$4,999
4500-4599	4500-4599	\$1,000-\$4,999
4600-4699	4600-4699	\$1,000-\$4,999
4700-4799	4700-4799	\$1,000-\$4,999
4800-4899	4800-4899	\$1,000-\$4,999
4900-4999	4900-4999	\$1,000-\$4,999
5000-5249	5000-5249	\$5,000+
5250-5499	5250-5499	\$5,000+
5500-5749	5500-5749	\$5,000+
5750-5999	5750-5999	\$5,000+
6000-6249	6000-6249	\$5,000+
6250-6499	6250-6499	\$5,000+
6500-6749	6500-6749	\$5,000+
6750-6999	6750-6999	\$5,000+
7000-7249	7000-7249	\$5,000+
7250-7499	7250-7499	\$5,000+
7500-7749	7500-7749	\$5,000+
7750-7999	7750-7999	\$5,000+
8000-8249	8000-8249	\$5,000+
8250-8499	8250-8499	\$5,000+
8500-8749	8500-8749	\$5,000+
8750-8999	8750-8999	\$5,000+
9000-9249	9000-9249	\$5,000+
9250-9499	9250-9499	\$5,000+
9500-9749	9500-9749	\$5,000+
9750-9999	9750-9999	\$5,000+

10000-10999	10000-10999	\$5,000+
11000-11999	11000-11999	\$5,000+
12000-12999	12000-12999	\$5,000+
13000-13999	13000-13999	\$5,000+
14000-14999	14000-14999	\$5,000+
15000-15999	15000-15999	\$5,000+
16000-16999	16000-16999	\$5,000+
17000-17999	17000-17999	\$5,000+
18000-18999	18000-18999	\$5,000+
19000-19999	19000-19999	\$5,000+
20000-20999	20000-20999	\$5,000+
21000-21999	21000-21999	\$5,000+
22000-22999	22000-22999	\$5,000+
23000-23999	23000-23999	\$5,000+
24000-24999	24000-24999	\$5,000+
25000-29999	25000-29999	\$5,000+
30000-34999	30000-34999	\$5,000+
35000-39999	35000-39999	\$5,000+
40000-44999	40000-44999	\$5,000+
45000-49999	45000-49999	\$5,000+
50000-59999	50000-59999	\$5,000+
60000-69999	60000-69999	\$5,000+
70000-79999	70000-79999	\$5,000+
80000-89999	80000-89999	\$5,000+
90000-99999	90000-99999	\$5,000+
100000-149999	100000-149999	\$5,000+
150000-199999	150000-199999	\$5,000+
200000-249999	200000-249999	\$5,000+
250000+	250000+	\$5,000+
(blank)	(blank)	(blank)

Appendix 3: Crosswalk of variables available from 2016-17 to 2020-21

IFSD requested Data Element	ISC Sub-elements	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
Fiscal year or date of request		Yes	Yes	Yes	Yes	Yes
Indigenous identity, i.e., First Nation, Inuit, Indigenous		No	Yes	Yes	Yes	Yes
Province and Region of request		Yes	Yes	Yes	Yes	Yes
Source of review and adjudication: regional office, headquarters	Decision / Regional Decision	Yes	Yes	Yes	Yes	Yes
	HQ Decision	Yes	Yes (Individual Only)	Yes	Yes	Yes
Adjudication considerations/principles aligned to individual requests - HQ Decision	HQ Best Interest of Child	No	No	No	Yes (HQ Decision on Rational e)	Yes
	HQ Culturally Appropriate	No	No	No		Yes
	HQ Eligibility	No	No	No		Yes
	HQ Normative Standard	No	No	No		Yes
	HQ Substantive Equality	No	No	No		Yes
Adjudication considerations/principles aligned	Regional Best Interest of Child	No	No	No	Yes	Yes
	Regional Culturally Appropriate	No	No	No		Yes

to individual requests - Regional Decision	Regional Eligibility	No	No	No	(Regional Decision Rationale)	Yes
	Regional Normative Standard	No	No	No		Yes
	Regional Substantive Equality	No	No	No		Yes
Adjudication considerations/principles aligned to individual requests - Normative Standard		No	Yes	Yes	Yes	No
Adjudication considerations/principles aligned to individual requests - Urgency		No	Yes (Individual Only)	Yes	Yes	Yes
Adjudication considerations/principles aligned to individual requests - Ordinarily On Reserve		No	No	Yes	Yes	Yes
Individual or group request		Yes	Yes	Yes	Yes	Yes
Gender		No	Yes	Yes	Yes	Yes
Age		No	Yes	Yes	Yes	Yes
Special needs		No	No	No	Yes	Yes
Category, e.g., travel, capital (provide as much detail as possible)		Yes	Yes	Yes	Yes	Yes
Sub-category		Yes	No	No	Yes	Yes

Amount requested		No	Yes (Individual Only)	Yes	Yes	Yes
Amount approved		No	Yes	Yes	Yes	Yes
Decision: Approved or denied		Yes (Decision & HQ Decision)	Yes (Decision & HQ Decision)	Yes	Yes	Yes
Appeal		No	No	Yes	Yes	Yes
Time between submission, review, and final decision	Initial Contact: Date	Yes	Yes	Yes	Yes	Yes
	Initial Contact: Time	No	Yes	Yes	Yes	No
	Decision: Date	Yes	Yes	Yes	Yes	Yes
	Decision: Time	No	Yes	Yes	Yes	Yes
	HQ Decision: Date	Yes	Yes (Individual Only)	Yes	Yes	Yes
	HQ Decision: Time	No	No	Yes	Yes	Yes
	Sufficient Information: Date	No	Yes (Individual Only)	Yes	Yes	Yes
	Sufficient Information: Time	No	Yes (Individual Only)	Yes	Yes	Yes
Source of submission, e.g., parent, authorized representative, if representative, specify		No	No	No	No	Yes
Number of children covered /Included in request	Estimated # of Children	Yes (Individual Only)	Yes (Group Only)	Yes	Yes	Yes
	ChildUnique Identifier	No	Yes (Individual Only)	Yes	Yes	Yes

	UniqueID	No	No	No	Yes	Yes
	PRS	No	No	No	No	Yes
	CaseID	No	No	No	Yes	Yes
	ItemID	No	No	No	No	Yes
Duration of requested coverage, e.g., point-in-time, ongoing, six months, etc.	StartDate	No	Yes (Individual Only)	Yes	Yes	Yes
	EndDate					
COVID-19 related request		No	No	No	Yes	Yes

Appendix 4: Reconciling ISC Regions with provinces/territories

Geography			Counts / Requests			
ISC Regions	Provinces includes in ISC Regions	ISC Provinces	2020-21	2019-20	2018-19	2017-18
Alberta	Alberta	AB	4213	2018	251	70
	British Columbia	BC	6			
	Manitoba	MB	10			
	Ontario	ON	9			
	Saskatchewan	SK	10	6		
	Yukon	YT	4			
Atlantic	Alberta	AB	1			
	Atlantic	ATL				3
	New Brunswick	NB	2095	2092	359	223
	Newfoundland and Labrador	NL	539	302	38	12
	Nova Scotia	NS	2575	2810	734	434
	Prince Edward Island	PE	188	368	74	13
	Prince Edward Island	PEI				4
	Quebec	QC		3	2	
British Columbia	Alberta	AB	11			
	British Columbia	BC	3681	3123	586	72
	Ontario	ON	7	2		
	Saskatchewan	SK	15			
	Yukon	YT	5	4		
	(Blank)	(Blank)				2
Manitoba	Alberta	AB	1			
	Manitoba	MB	8260	2998	333	53
	Nunavut	NU		1		
	Ontario	ON	58	36		
	Prince Edward Island	PE	1			
	Saskatchewan	SK	5			
Northern	British Columbia	BC	18			
	Northern	NR	4			
	Northwest Territories	NT	1376	665	33	8
	Nunavut	NU	22	3	7	

	Ontario	ON		4		
	Yukon	YT	1242	787	116	14
Ontario	Alberta	AB		9		
	British Columbia	BC	1			
	Manitoba	MB	12			
	Nova Scotia	NS	5			
	Ontario	ON	9407	7752	1386	540
	Quebec	QC	42	3	1	
Quebec	Alberta	AB	1			
	British Columbia	BC		1		
	Manitoba	MB		1		
	New Brunswick	NB	10	2		
	Ontario	ON	28	26		
	Quebec	QC	3474	3295	393	147
	Saskatchewan	SK		4		
Saskatchewan	Alberta	AB	23	2		
	British Columbia	BC	1			
	Nova Scotia	NS	2			
	Saskatchewan	SK	7973	3960	529	282
Total	National		45335	30277	4842	1877

Appendix 5: Age of Majority by Province/Territory

Province/Territory	Age of Majority
Alberta	18
British Columbia	19
Manitoba	18
New Brunswick	19
Newfoundland and Labrador	19
Northwest Territories	19
Nova Scotia	19
Nunavut	19
Ontario	18
Prince Edward Island	18
Quebec	18
Saskatchewan	18
Yukon	19

Appendix 6: Renaming of ISC variables

ISC Variables Names	IFSD Variables Names
Sex	Sex
RegionalDecision	Regional Decision
Regional Normative Standard	Regional Normative Standard
Regional Substantive Equality	Regional Substantive Equality
Regional Culturally Appropriate	Regional Culturally Appropriate
Regional Best interest of Child	Regional Best Interest of Child
HQDecision	Headquarters Decision
HQ Eligibility	Headquarters Eligibility
HQ Normative Standard	Headquarters Normative Standard
HQ Substantive Equality	Headquarters Substantive Equality
HQ Best interest of Child	Headquarters Best Interest of Child
HQ Culturally Appropriate	Headquarters Cultural Appropriateness
Final_decision	Final Decision
Dataset	Dataset
FY_Categorization / TypeOfRequest	Category / Categories
Covid19_Flag	COVID Flag
Appeal_Decision_CLEAN_2	Appeal Decision
RelationtoChild	Relation to Child
Age Category	Age Category

AmountRequestedCategory	Amount Requested Category
Approved_FundsCategory	Approved Funds Category
AB	Alberta
BC	British Columbia
MB	Manitoba
NB	New Brunswick
NL	Newfoundland and Labrador
NR	Northern
NS	Nova Scotia
NT	Northwest Territories
NU	Nunavut
ON	Ontario
PE	Prince Edward Island
QC	Quebec
SK	Saskatchewan
YT	Yukon
AR	Atlantic
ATL	Atlantic
InitialContact / InitialContactDate / Regional Date of Initial Contact	Regional Date of Initial Contact
SufficientInformationDate / SufficientInformation	Sufficient Information Date
RegionalDecisionDate / RegionalDecisionDateTime	Regional Decision / Regional Decision Date
StartDate / Start date	Start Date of Requested Service

EndDate / End date	End Date of Requested Service
HQDecisionDate / HQDecisionDateTime	Headquarters Decision / Headquarters Decision Date
AppealDateReceived / DATE HQ RECEIVED APPEAL	Date Appeal Received
AppealDecisionDate /	Appeal Decision Date
Final decision date / Final_decision_date	Final Decision Date
Date received_for reporting	Date Received for Reporting
Decision Date	(Regional) Decision Date
HQ Decision Date	Headquarters Decision Date
Date Received	Date Received
Decision Date	(Regional) Decision Date

Appendix 7: Alternative analytic approach

To model the approach:

In 2020-21, 65 products/services were used by a single child, and no funding was requested for each of them. More than one child shared only five products/services with no funding. It can also be noted that most products/services (35607) used by a single child are associated with one amount requested category. As a discrepancy, 15 products/services are associated with two different amount requested categories.

Amount Requested	Number of Products/Services (ItemID)
No funding requested - single child is using the requested product/service	65
No funding requested - More than one child is using the requested product/service	5
One amount requested - single child is using the requested product/service	35607
One amount requested - More than one child is using the requested product/service	3690
Same item with two amounts requested	15
Total	39382

In the same vein, 38 products/services were approved at a final decision, but no funding has been both requested and approved for each of them. Only 5 products/services, with funding requested and no approved funds, were approved as a final decision. It can also be noted that most products/services (31158) used by a single child are associated with one approved fund's category. As a discrepancy, 14 products/services are associated with two different approved fund categories. One item is associated with two final decisions: one denied and another approved.

Amount Approved	Number of Products/Services (ItemID)
Denied	5205
Approved with no funding - no funding requested	38
Approved with no funding - with funding requested	5
Approved with funding - one amount approved - single child is using the requested product/service	31158
Approved with funding - one amount approved - More than one child is using the requested product/service	2963
Approved with funding - two amount approved	14
Total	39383*
Note: * Item - 10536 has two rows, one denied and one approved, and thus, it was counted twice.	

Finally, by only considering the products/services used by more than one child which have been approved with both funding requested and approved (2963), IFSD classified them by Category (with the variable **"FY_Categorization"**). As expected, the categories comprising

the most significant number of products/services were Education, Healthy Child Development and medical transportation.

Category	Count of Products/services
Allied Health	60
Education	579
Healthy Child Development	742
Infrastructure	147
Medical Equipment and Supplies	82
Medical Transportation	420
Medications and Nutritional Supplements	22
Mental Wellness	127
Oral Health (Excluding Orthodontics)	
Orthodontics	
Respite	316
Social	88
Travel	389
Vision Care	
Grand Total	2997*
Note: * 34 items were assigned to 2 categories by ISC	

Appendix B: IFSD needs clusters

Count	ISC Needs	IFSD Needs Clusters
1	Child Apprehension Prevention	Child Welfare
2	Preserving Family Integrity	
3	Unspecified Familial	
4	Unspecified Family Integrity	
5	COVID-19	Covid-19
6	COVID-19- DO NOT USE	
7	Assisting Student in Surpassing Academic Standards	Education
8	Difficulty Interpreting Visual Information	
9	Difficulty with Fine Motor Skills	
10	Difficulty with Math	
11	Difficulty with Reading	
12	Difficulty with Writing	
13	Ensuring Participation in School Activities	
14	Ensuring Student Meets Academic Standards	
15	Learning Assistance	
16	Specific Language Impairment	
17	Speech Sound Disorder	
18	Stuttering	
19	Unspecified Academic Performance (Grades)	
20	Unspecified Education	
21	Unspecified Language Disorder	
22	Unspecified Learning Assistance	
23	Unspecified Learning Disorder	
24	Unspecified Speech and Language Impairment	
25	Unspecified Speech Disorder	
26	Acne	Health and mental health
27	Agoraphobia	
28	Alcohol-use Disorder (Alcohol Addiction)	
29	Angelman Syndrome	
30	Ankyloglossia (Tongue-tie)	
31	Anorexia Nervosa	
32	Aphasia	
33	Apneic Spells	
34	Apparent Life-Threatening Event (ALTE)	

35	Apraxia of Speech	
36	Arrhythmia	
37	Arthritis	
38	Arthrogryposis Multiplex Congenita	
39	Asperger Syndrome	
40	Asthma	
41	Attention-Deficit Hyperactivity Disorder (ADHD)	
42	Autistic Disorder	
43	Avoidant/Restrictive Food intake Disorder	
44	Back Pain	
45	Binge Eating Disorder	
46	Bipolar Disorder	
47	Bone Fracture	
48	Brain Tumor	
49	Bronchiolitis	
50	Bulimia Nervosa	
51	Celiac	
52	Cerebral Palsy	
53	Change in Chromosome Number	
54	Change in Chromosome Structure	
55	Chiari Malformation	
56	Chronic Motor or Vocal Tic Disorder	
57	Chronic Rhinitis	
58	Clubfoot	
59	Concussion	
60	Conduct Disorder (CD)	
61	Congenital Heart Disease	
62	Constipation	
63	Craniofacial Abnormalities	
64	Craniosynostosis	
65	Crohns Disease	
66	Cystic Fibrosis	
67	Dermatomyositis	
68	Developmental Verbal Dyspraxia	
69	Diabetes	
70	Diarrhea	

71	Difficulty Hearing Differences Between Sounds	
72	Downs Syndrome	
73	Due to a general medical condition	
74	Dysarthria	
75	Eczema	
76	Encephalopathy	
77	Encopresis	
78	Ensuring Physical Health	
79	Enuresis	
80	Environmental Allergy	
81	Failure to Thrive	
82	Febrile Seizures	
83	Fecal Incontinence	
84	Fetal alcohol spectrum disorders (FASD)	
85	Focal and Multifocal Seizures	
86	Food Allergy	
87	Functional Abdominal Pain	
88	Gait / Walking Disorders	
89	Gene Abnormality	
90	Generalized Anxiety Disorder	
91	Glucose Transporter Type-1 Deficiency Syndrome (Glut1 DS)	
92	Growth Disorder	
93	Hearing Loss	
94	Heart Attack	
95	Heart Failure	
96	Heart Valve Problem	
97	Human Immunodeficiency	
98	Hydrocephalus	
99	Hyperinsulinemia	
100	Hyperopia (far-sightedness)	
101	Hypotonia	
102	Immunization	
103	Infantile Spasms	
104	Insomnia	
105	Iron Deficiency	

106	Juvenile Rheumatoid Arthritis
107	Ketogenic Diets
108	Kidney Failure
109	Leukemia
110	Lice
111	Lupus
112	Lymphoma
113	Major Depressive Disorder (Depression)
114	Malocclusion (Misaligned/Crooked Teeth)
115	Meningitis
116	MENTAL
117	Migraine
118	Mitochondrial Diseases
119	Myelomeningocele (Spina Bifida)
120	Myopia (near-sightedness)
121	Neurofibromatosis Type 1 (NF1)
122	Nicotine-use Disorder (Nicotine Addiction)
123	Nightmares / Night Terrors (Parasomnias)
124	Obesity
125	Onychocryptosis (Ingrown Nail)
126	Opioid-use Disorder (Opioid Addiction)
127	Oppositional Defiant Disorder (ODD)
128	Oral Infection (Dental Abscess)
129	Orofacial Myofunctional Disorder
130	Osteosarcoma
131	Panic Disorder
132	Paralysis
133	Paraplegia
134	Persistent Depressive Disorder (Dysthymia)
135	Pervasive Developmental Disorder
136	Plagiocephaly
137	Pneumonia
138	Post-Concussion Syndrome
139	Posttraumatic Stress Disorder (PTSD)
140	Potential Neurological Disorder
141	Pregnancy/Prenatal Screening

142	Premature Birth	
143	Premenstrual Dysmorphic Disorder	
144	Quadriplegia	
145	Reflux	
146	Schizophrenia	
147	Scoliosis	
148	Selective Mutism	
149	Separation Anxiety Disorder	
150	Short Bowel Syndrome	
151	Sleep Apnea	
152	Social Anxiety Disorder	
153	Socialization Issue	
154	Spasticity	
155	Specific Phobia	
156	Spinal Cord Cell Disease	
157	Spinal Cord Injury	
158	Spine Tumor	
159	Stimulant-use Disorder (Stimulant Addiction)	
160	Stroke	
161	Substance-Induced	
162	Temporomandibular Joint Dysfunction	
163	Tethered Spinal Cord Syndrome	
164	Thyroid Disease	
165	Tooth Decay (Cavity)	
166	Torticollis	
167	Tourettes Syndrome	
168	Transport Injuries	
169	Tuberculosis	
170	Tuberculosis Sclerosis Complex	
171	Unintentional Injuries (Non-Transport)	
172	Unspecified Acute or Chronic Respiratory Diseases	
173	Unspecified Allergy	
174	Unspecified Anemia	
175	Unspecified Anxiety or Panic Disorder	
176	Unspecified Autism Spectrum Disorder (ASD)	

177	Unspecified Autoimmune and Autoinflammatory Diseases	
178	Unspecified Bacterial or Viral Infections	
179	Unspecified Blood Cancer	
180	Unspecified Blood Disease/ Disorder	
181	Unspecified Bone Cancers	
182	Unspecified Brain Cancer	
183	Unspecified Calculi	
184	Unspecified Cancer	
185	Unspecified Cardiovascular and Circulatory Disease	
186	Unspecified Change in Chromosome	
187	Unspecified Congenital and Genetic Disease	
188	Unspecified Congenital Malformation	
189	Unspecified Dental	
190	Unspecified Dental/Orthodontic	
191	Unspecified Developmental Disorders	
192	Unspecified Diets and Other Dietary Therapies	
193	Unspecified Digestive Disease	
194	Unspecified Disruptive Behavior Disorders (DBD)	
195	Unspecified Ear Disease	
196	Unspecified Ear, Nose, and Throat Diseases	
197	Unspecified Eating Disorders	
198	Unspecified Elimination Disorder	
199	Unspecified Endocrine and Metabolic Diseases/Disorders	
200	Unspecified Endocrine Disease	
201	Unspecified Environmental Disease	
202	Unspecified Eye Disease	
203	Unspecified Genetic Disorder	
204	Unspecified Headache	
205	Unspecified Health	
206	Unspecified Infectious Disease	
207	Unspecified Injury	
208	Unspecified Kidney and Urinary Disease	
209	Unspecified Mental Disorder	
210	Unspecified Mental Health Disorder	
211	Unspecified Metabolic Disorders	

212	Unspecified Mood Disorders	
213	Unspecified Mouth Disease	
214	Unspecified Musculoskeletal Disorders	
215	Unspecified Neoplasm	
216	Unspecified Nerve and Muscle Diseases	
217	Unspecified Neurological Disorder	
218	Unspecified Newborn	
219	Unspecified Nose Disease	
220	Unspecified Nutritional Disorder	
221	Unspecified Pediatric Condition	
222	Unspecified Physical Access	
223	Unspecified Physical Illness	
224	Unspecified Pregnancy	
225	Unspecified Psychotic Disorder	
226	Unspecified Rare Cancer	
227	Unspecified Renal Failure	
228	Unspecified Respiratory Disease	
229	Unspecified Screening	
230	Unspecified Seizure	
231	Unspecified Skin Disease	
232	Unspecified Sleep Disorder	
233	Unspecified Spine Disease	
234	Unspecified Substance-use Disorder (Unspecified Addiction)	
235	Unspecified Throat Disease	
236	Unspecified Tic Disorders	
237	Unspecified Vertigo	
238	Unspecified Viral Infection	
239	Unspecified Vision Impairment	
240	Upper Respiratory Tract Infection (UTRI - Common Cold)	
241	Urinary Incontinence	
242	Urinary Tract Infection (UTI)	
243	Viral Infection	
244	Voice Disorder	
245	Vomiting	

246	Unspecified Orthodontic	
247	Unspecified Safety Concerns	Other
248	Missing Status Registration	
249	Unspecified Treaty Rights	
250	Unspecified Access	
251	Unspecified Need	
252	Affordability	Poverty
253	Lack of Access to Service	
254	Malnutrition	
255	Unsafe Living Conditions	
256	Unspecified Financial	
257	Unspecified Low Income	
258	Retro 2020 CHRT 36	Retro 2020 CHRT 36
259	Unspecified Healthy Relationships	Social Development
260	Furthering Cultural Awareness	
261	Global Developmental Delays	
262	Healthy Relationships	
263	Unspecified Cultural	
264	Unspecified Participation	
265	Unspecified Reconciliation	
266	Unspecified Relationships	
267	Unspecified Social	
	Oral Infection (Dental Abscess)	Dental/Orthodontic
	Unspecified Dental	
	Unspecified Dental/Orthodontic	
	Tooth Decay (Cavity)	
	Malocclusion (Misaligned/Crooked Teeth)	
	Unspecified Orthodontic	

Appendix C: Spirit Bear cost analysis table

Policy area	Definition	Current state and Costing
Education	Access to culturally competent elementary and secondary education.	<ul style="list-style-type: none"> - First Nations children (living on-reserve) receive at minimum 30% less funding for their education as children under provincial jurisdiction.¹ - According to the PBO in 2012-2013 the funding shortfall for education programming in all band-operated schools was between \$300 million and \$595 million. Further, they estimated that this shortfall grew to between \$336 million and \$665 million in 2016-17.² - If the Indigenous education attainment gap and related gaps (employment rates and income by level of employment) were closed, estimates suggest an increase of \$36.5 billion to Canada's GDP.³ - Employment and Social Development Canada found that their "skills and employment training" initiative improved labour market attachment, in addition to other benefits which outweighed program cost.⁴
Children's health	Programs and services to support the physical and psychological holistic well-being of First Nations children.	<ul style="list-style-type: none"> - CIHI has per capita health expenditures for each province and territory.⁵ - Health outcomes are unequal for First Nations and Indigenous children, e.g. infant mortality rates are twice as high for Indigenous populations as compared to the national rate; Indigenous youth suicide rates are far higher than national rates; and there are higher rates of poor dental health among Indigenous children.⁶ <p>Potential costing mechanisms:</p> <ul style="list-style-type: none"> - Estimate using per capita expenditure of the Canada Health Transfer. - Per capita expenditure based on relevant program funding.

¹ Don Drummond and Ellen Kachuck Rosenbluth, "The Debate on First Nations Education Funding: Mind the Gap," *Queen's University Policy Studies*, (December 2013). CBC News, "First Nations students get 30 per cent less funding than other children, economist says," March 14, 2016, <https://www.cbc.ca/news/canada/thunder-bay/first-nations-education-funding-gap-1.3487822>.

² Office of the Parliamentary Budget Officer, "Federal Spending on Primary and Secondary Education on First Nations Reserves," (December 6, 2016): 4.

³ Centre for the Study of Living Standards, "Investing in aboriginal education in Canada: an economic perspective," (February 2010), <http://www.csls.ca/reports/csls2010-03.pdf>.

⁴ Employment and Social Development Canada, "Evaluation of the Aboriginal Skills and Employment Training Strategy and the Skills and Partnership Fund," last updated April 21, 2022, <https://www.canada.ca/en/employment-social-development/corporate/reports/evaluations/aboriginal-skills-employment-training-strategy-skills-partnership-fund.html>.

⁵ CIHI, "National Health Expenditure Trends 1975 to 2019," Ottawa, ON, (2019): 20.

⁶ Unicef Canada, "Where Does Canada Stand? The Canadian Index of Child and Youth Well-being 2019 Baseline Report," https://oneyouth.unicef.ca/sites/default/files/2019-08/2019_Baseline_Report_Canadian_Index_of_Child_and_Youth_Well-being.pdf, page 51-54.

Emergency services infrastructure	Building community resilience through access to emergency services, along with funding for mitigation initiatives.	<ul style="list-style-type: none"> - In 2013, the Office of the Auditor General reported that ISC's (then AANDC) annual budget (\$19 million) for the Emergency Management Assistance Program was insufficient. Additionally, insufficient resources were being allocated to mitigation and prevention programming. Only \$4 million was spent on prevention and mitigation activities between 2009 to 2013. They also found that the capital program was underfunded.⁷ - The PBO outlined how ISC (AANDC) re-allocated funds from other sources (particularly capital) to fill the shortfalls within the emergency management program; this approach can negatively impact First Nations communities whose budgets for other departmental programs are being reduced.⁸
Water, housing, and sanitation	Access to potable water flowing from residential taps	<ul style="list-style-type: none"> - The PBO estimated that \$3.2 billion in capital investment would be required until 2020 to meet actual Water and Wastewater objective, with drinking water systems accounting for 57% (\$1.8 billion) and wastewater systems accounting for the rest (\$1.4 billion).⁹ - As of July 18, 2022, there are 31 long-term drinking water advisories in effect in 27 communities.¹⁰ - IFSD estimates the total cost to meet First Nations housing needs at \$59 billion, with \$21 billion of the \$59 billion meeting the needs of those moving to reserves.¹¹ - The PBO estimates that “addressing indigenous housing need” should cost between \$122 million to \$1,423 million per year.¹²

⁷ Office of the Auditor General of Canada, “2013 Fall Report of the Auditor General of Canada: Chapter 6 – Emergency Management on Reserves,” (2013), https://www.oag-bvg.gc.ca/internet/English/parl_oag_201311_06_e_38800.html.

⁸ Hon. MaryAnn Mihychuk, “From the Ashes: Reimagining fire safety and emergency management in Indigenous Communities,” *Report of the Standing Committee on Indigenous and Northern Affairs*, (June 2018): 11.

⁹ Office of the Parliamentary Budget Officer, “Budget Sufficiency for First Nations Water and Wastewater Infrastructure,” Budget Sufficiency for First Nations Water and Wastewater Infrastructure,” December 7, 2017.

¹⁰ Indigenous Services Canada, “Ending long-term drinking water advisories,” *Government of Canada*, last updated February 17, 2020, <https://www.sac-isc.gc.ca/eng/1506514143353/1533317130660>.

¹¹ Institute of Fiscal Studies and Democracy, “Cost Analysis of Current Housing Gaps and Future Housing Needs in First Nations,” last updated October 18, 2021 <https://static1.squarespace.com/static/5f29b2710512b20bd57bed44/t/618930be4ba2743dace94502/1636380867668/COO+SCA+2021+-+IFSD+National+Housing+Need+Cost+Analysis.pdf>

¹² Office of the Parliamentary Budget Officer, “Urban, Rural, and Northern Indigenous Housing,” February 11, 2021, <https://distribution-a617274656661637473.pbo-dpb.ca/5b2407108abe40544f4c66d4a7fe08c47aecce914911c2f7e3bbcad23a2070fc>.

<p>Juvenile Justice</p>	<p>Preventive programming to keep youth free from interacting with the juvenile justice system. Support for youth in contact with the juvenile justice system.</p>	<ul style="list-style-type: none"> - The Indigenous Justice Fund (within the Department of Justice), funds 197 community-based programs that serve over 650 communities.¹³ - In 2017/2018, while they made up around 8% of the Canadian youth population, Indigenous youth made up 48% of youth admissions to custody (48%).¹⁴ <p>Potential costing mechanisms:</p> <ul style="list-style-type: none"> - In 2018, PBO published national figures regarding the cost of incarceration (\$1.57 billion annually).¹⁵ However, the challenge is determining per capita costs for First Nations in the juvenile justice system. - Public Safety Canada produced a report in 2018 with cost analysis for youth custody and other forms of incarceration.¹⁶
<p>Early childhood</p>	<p>Support and programming for children and families to foster development and wellness in the early years of life.</p>	<ul style="list-style-type: none"> - When evaluating the Aboriginal Head Start in Urban and Northern Communities, it was found that the program was administered efficiently. However, the current program resources have been maximized; as a result, resource limitations are hindering the number of children the program can reach.¹⁷ - FNIGC reported that caregivers with children who attended a First Nations-specific early childhood program (like an Aboriginal Head Start On-Reserve Program) reported that their children understood them when they spoke all of the time, compared to 57.5% of children who did not attend a First Nations-specific early childhood program.¹⁸ <p>Potential Costing Mechanism:</p> <ul style="list-style-type: none"> - Review program level funding on a First Nations basis. - Leverage data from existing programs and services.

¹³ Department of Justice, “Community-Based Justice Fund,” *Government of Canada*, February 17, 2020, <https://www.justice.gc.ca/eng/fund-fina/acf-fca/ajs-sja/cf-pc/index.html>.

¹⁴ Statistics Canada, “Adult and youth correctional statistics in Canada, 2017/2018,” *The Daily*, May 9, 2019, <https://www150.statcan.gc.ca/n1/daily-quotidien/190509/dq190509c-eng.htm>.

¹⁵ Office of the Parliamentary Budget Officer, “Update on Costs of Incarceration,” *Government of Canada*, (2018): 7.

¹⁶ Public Safety Canada, “Costs of Crime and Criminal Justice Responses,” *Government of Canada*, last updated January 24, 2018, <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2015-r022/index-en.aspx> - :~:text=Open custody for youth was,contact, case, or conviction

¹⁷ Office of Audit and Evaluation, “Evaluation of the Aboriginal Head Start in Urban and Northern Communities Program 2011-2012 to 2015-2016,” March 2017, page V.

¹⁸ FNIGC, “The National Report of the First Nations Regional Early Childhood, Education, and Employment Survey,” July 2016, page 15.

Child and family services	Protection and prevention focused services to promote the well-being of children, families, and communities.	<ul style="list-style-type: none"> - Indigenous children represent 7.7% of all children under 14 years of age in Canada but represent 52.2% of children under 14 in foster care.¹⁹ - IFSD estimated that the per capita per capita cost of a child in care within the First Nations child and family services (FNCFS) system is \$63,137.²⁰ - With the contributions of FNCFS agencies, IFSD developed a needs-based and performance-informed approach to funding FNCFS. The structure, funding, and accountability mechanisms are being tested for use (anticipated completion in March 2024).
Poverty reduction	Approaches to reducing and mitigating the effects of poverty and deprivation.	<ul style="list-style-type: none"> - Towards Justice (AFN/CCPA) identifies three tiers of childhood poverty: deepest level of poverty, next level of poverty, and least level of poverty. In 2015, 53% of Status First Nations children living on reserve were living in the deepest level of poverty.²¹ - IFSD is undertaking an assessment to develop First Nations-based approaches to understanding and measuring poverty. From this work, approaches to cost analysis are expected to emerge. - To raise all households on-reserve to their provincial poverty lines, an estimated \$205M investment is needed.²²
Mental wellness	Psychological and emotional well-being.	<ul style="list-style-type: none"> - First Nations report poorer perceived mental and physical health than the non-Indigenous population. - 11% of First Nations populations perceive their mental health as fair or poor, as compared to 6% of the non-Indigenous population.²³ - The Mental Health Commission of Canada found that mental health problems and illnesses cost the Canadian economy at least \$50 billion per year.²⁴

¹⁹ ISC, “Reducing the number of Indigenous children in care,” *Government of Canada*, August 19, 2020, <https://www.sac-isc.gc.ca/eng/1541187352297/1541187392851>.

²⁰ IFSD, “Enabling First Nations Children to Thrive,” (2018): 68.

²¹ Natasha Beedie, David Macdonald, and Daniel Wilson, “Towards Justice: Tackling Indigenous Child Poverty in Canada,” *AFN, Canadian Centre for Policy Alternatives and Upstream*, July 2019, page 9.

²² IFSD, “Enabling First Nations Children to Thrive,” (2018): 76.

²³ IFSD, “Funding First Nations child and family services (FNCFS): A performance budget approach to well-being,” (July 2020): 7.

²⁴ Mental Health Commission of Canada, “Making the Case for Investing in Mental Health in Canada,” (2013): 1.

Intimate partner violence	Mistreatment and abuse of partners, children, or other family members.	<ul style="list-style-type: none"> - In 2009, the economic impact of spousal violence in Canada was estimated at \$7.4 billion or \$220 per Canadian.²⁵ - The 2014 Statistics Canada General Social Survey (GSS) on Victimization, indicates that injury in cases of self-reported spousal violence is more common for Indigenous female victims (51%) than for non-Indigenous female victims (39%).²⁶ - The cost of one cohort of children exposed to intimate partner violence in Canada was estimated in 2014 at \$759 million annually.²⁷
Operational capacity for service delivery	A First Nation's ability to design and deliver community services with requisite systems, processes, tools, skills, and resources.	<ul style="list-style-type: none"> - First Nations have a range of operating capacity typically influenced by geography, size, economic activity, and other variables. <p>Potential costing mechanism:</p> <ul style="list-style-type: none"> - Leverage the experiences of small rural municipalities as proxies to estimate the costs associated to delivering services in areas with low population densities, which can be financially and administratively burdensome.²⁸ - The Federation of Canadian Municipalities (FCM) estimated that approximately 60% of Canadian municipalities had 5 or fewer staff.²⁹ - Small municipalities can be easily strained when asked to do more without requisite capacity in a short period of time.³⁰

²⁵ Ting Zhang et al., "An Estimation of the Economic Impact of Spousal Violence in Canada, 2009," *Department of Justice Canada*, 2012, https://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/rr12_7/rr12_7.pdf, page 80.

²⁶ Department of Justice, "Victimization of Indigenous Women and Girls," *Government of Canada*, July 2017, <https://www.justice.gc.ca/eng/rp-pr/jr/jf-pf/2017/july05.html>.

²⁷ Martin Andresen and Shannon Linning, "Beginning to Understand the Economic Costs of Children's Exposure to Intimate Partner Violence," *International Journal of Child, Youth and Family Studies*, 5, no. 4, (2014): 588-608.

²⁸ Federation of Canadian Municipalities, "Rural Challenges, National Opportunity: Shaping the Future of Rural Canada," (May 2018), <https://fcm.ca/sites/default/files/documents/resources/report/rural-challenges-national-opportunities.pdf>

²⁹ Federation of Canadian Municipalities, "Rural Challenges, National Opportunity: Shaping the Future of Rural Canada," (May 2018), <https://fcm.ca/sites/default/files/documents/resources/report/rural-challenges-national-opportunities.pdf>

³⁰ Laura Ryser, Greg Halseth, and Sean Markey, "Restructuring of Rural Governance in a Rapidly Growing Resource Town: The Case of Kitimate, BC, Canada," *EchoGéo* 43, (2018), (August 2022), <https://journals.openedition.org/echogeo/15218>; Greg Halseth and Laura Ryser, "Rapid Change in Small Towns: When Social Capital Collides with Political/Bureaucratic Inertia," *Community Development* 47, no. 1 (January 2016), https://journals.scholarsportal.info/details/15575330/v47i0001/106_rcistwscwpi.xml.