Jordan's Principle

# Standard Operating Procedures

Jordan's Principle Service Coordinators Gathering: Building Connections

Kanien'keha:ka Territory

November 13, 2019

Indigenous Services Canada | Services aux Autochtones Canada

Canada

## Purpose

- Provide background information on the development of the Jordan's Principle Standard Operating Procedures (SOP)
- Review the latest version of the SOP:
  - Eligibility
  - Policy foundations of Jordan's Principle
  - What information is required for each request and why

# Jordan's Principle Standard Operating Procedures:

**Background:**

•Developed with input from Focal Points, JPOC members

•3 versions since May 2018

•Evergreen document reflecting evolving nature of Jordan's Principle

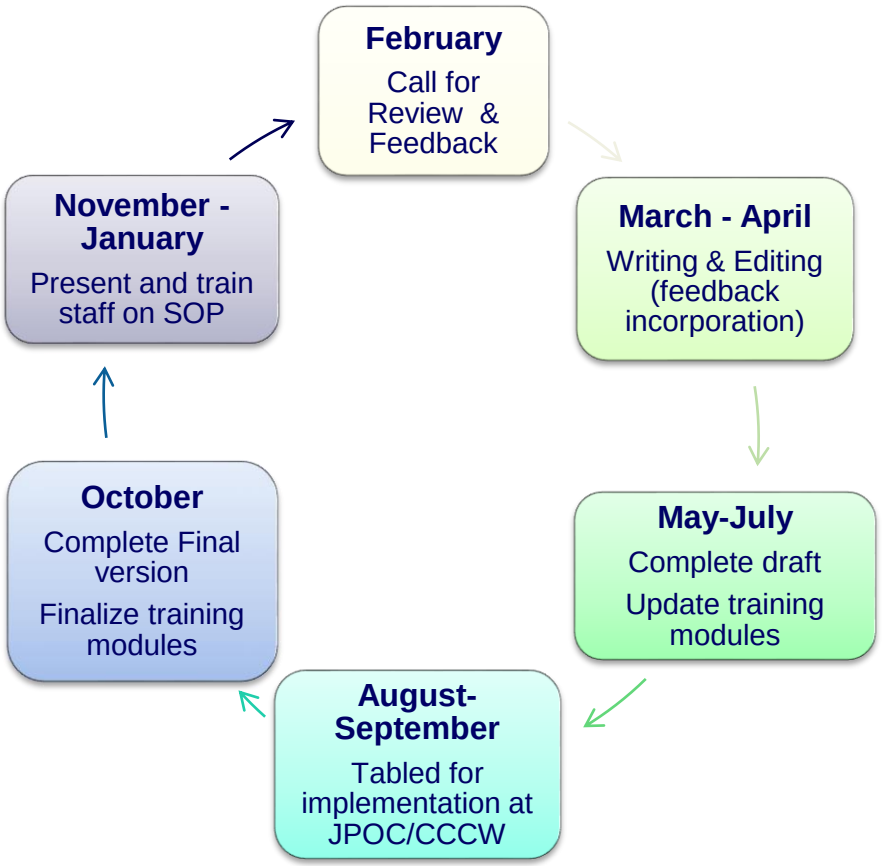
**Opportunity:**

•Inaugural meeting bringing Service Coordinators and Focal Points together, widens our scope and understanding as the SOP evolves.

## Jordan's Principle Standard Operating Procedures

- Consistency across regions in processing requests
- Canadian Human Rights Tribunal (CHRT) compliance
- Working on solutions together
- Acknowledging regional differences and diversity

# Annual Review Cycle




| Phase | Collaborators | Timeline |
|---|---|---|
| **Call for Review & feedback** | • ISC Focal Points<br>• CHRT Parties<br>• Service Coordinators | Feb |
| **Writing & Editing (feedback review and incorporation)** | • Jordan's Principle National Office Policy Team | March - April |
| **Complete final draft**<br><br>**Update training modules** | • Jordan's Principle National Office Policy Team<br>• Jordan's Principle National Office Operations Team | May-July |
| **Tabled for implementation at JPOC/CCCW** | • Shared with JPOC for implementation<br>• Shared with CCCW for information | Aug-Sept |
| **Complete Final version**<br><br>**Finalize training modules** | • Jordan's Principle National Office Policy Team<br>• Jordan's Principle National Office Operations Team | Oct |
| **Present and train staff on SOP** | • Jordan's Principle National Office Policy Team<br>• Jordan's Principle National Office Operations Team | Nov - Jan |

# Eligibility

- Products, supports and services funded under Jordan's Principle are available to:
  - First Nations children registered under the *Indian Act,* living on or off reserve;
  - First Nations children entitled to be registered under the *Indian Act,* living on or off reserve;
  - Any Indigenous child who is ordinarily resident on reserve (including children without status);
  - First Nations children who are citizens of a Self-Governing First Nation living on or off their territorial lands; and
  - First Nations children without *Indian Act* status or not eligible for *Indian Act* status who live off-reserve but are recognized as members by their Nation, who have urgent and/or life-threatening needs.

- For the purposes of Jordan's Principle, a "child" is defined as an individual who is under the Age of Majority within their province or territory (please see Section 4.1.6 of the SOP – Table 2)

# Substantive Equality

- Substantive equality is a legal principle that aims to achieve true equality.
- It recognizes that some children need additional supports to achieve the same outcomes as other children who have not been similarly disadvantaged.
- Evaluation of requests must take into account needs that stem from historical disadvantage and inequities and deficiencies in culturally informed services.
- Using the lens of substantive equality, Jordan's Principle seeks to address the inequalities that stem from an individual's particular circumstances, to help put them at the same position as others and to give them the same opportunities as others.

# Guidance on Safeguarding the Best Interests of the Child

- Safeguarding the Best Interests of First Nations Children implies consideration of the surrounding context to make sure that patterns of disadvantage are assessed and addressed.
  - This applies to the development of processes, implementation of the initiative and evaluation of requests for products, supports and services.

- The term “best interests” broadly describes the well-being of a child, which can be determined by a variety of individual circumstances, such as
  - age
  - health status
  - presence or absence of parents
  - the child’s environment and life experiences.

# Cultural Safety and Humility as a Service Standard

- Decisions made under Jordan's Principle about the health and well-being of individuals, families and communities should recognize the right for all persons to receive services in an environment free of racism and discrimination, and promote an open dialogue within the Jordan's Principle team about how to achieve culturally safe and appropriate services.
- As such, assistance to children, families and communities should follow the principles laid out in the:
  - First Nations Health Authority's *Policy Statement on Cultural Safety and Humility*,
  - Declaration of Commitment to Advance Cultural Safety and Humility in Health and Wellness
- It is the expectation that all Jordan's Principle staff will work with requesters in a culturally safe way.

# What is considered when evaluating and determining a request

- Urgency or time sensitivity of request;
- Any immediate or foreseeable health or safety risks;
- The description of the product, service or support needed;
- How often the product, service or support will be required (i.e.one time, many times, on an ongoing basis);
- Estimated costs (if known);
- Supporting documentation for the request (e.g. prescriptions, referrals from a health, social or education professional); and
- Any additional information that should be considered to support the request (e.g. , family context, information about home, community and education environment).
- Note:  the next slide reflects a list of required information that appears in the SOP s. 5.2.1.

## Required from Requester (ALL CASES)

- ☐ **Intake information:**
  - ☐ Name, Date of Birth of child
  - ☐ Requester contact information (phone number, email)
  - ☐ Requester relationship to child
  - ☐ Community of Residence (if on reserve) and mailing address
  - ☐ Reason for Request
  - ☐ Intervention requested
  - ☐ Frequency of Service(s) (if applicable)
  - ☐ Estimated Cost (if readily available)
- ☐ **Confirmation of eligibility**: (Registration Number, VisionHD eligibility determination email, confirmation of residency indicating child is Ordinarily Resident on Reserve, or recognition by a Nation in urgent cases for children without status)
- ☐ **Confirmation of Consent** from parent/guardian
- ☐ **Required Documentation**: Assessment/prescription/ referral/letter from a health/social/education professional directly serving the child that indicates the diagnosis(es) or identified need, directly recommends the requested intervention, and if applicable, stipulates the recommended frequency/duration).
  Exception: For URGENT requests, required documentation can be provided after processing, unless required to safeguard the best interests of the child.[5]

## Required from Requester (IF BEYOND NORMATIVE STANDARD)

- ☐ **Documentation/information to support evidence of substantive equality, culturally appropriate service provision, and/or safeguarding the best interests of the child.**
- ☐ ONLY minimal information that is reasonably necessary to determine the request should be sought so as not to create a burden on the child, family or community, and should not result in lengthy delays.
- ☐ Not all Jordan's Principle requests require formal evidence to support substantive equality, culturally appropriate service provision and/or the best interests of the child*.
- ☐ Examples of supporting documentation/information include:
  - ☐ a letter of support provided by a health/social/education professional directly involved in the child's circle of care which identifies why the request should be provided to ensure substantive equality, culturally appropriate service provision and/or why it would safeguard the best interests of the child; and/or
  - ☐ a verbal statement/testimony or letter of support from a family member/ Elder/community member; and/or
  - ☐ a verbal statement/testimony or letter describing the cultural significance of a requested product/service/support.
- ☐ **In every case, Focal Points will use their own judgment to determine whether a letter of support by a professional is reasonably necessary, OR if the evidence provided by the requester is sufficient to determine the request.**

***Refer to Section 5.2.3.2 for full details.**

## Required Information from National Coordinating Team to ADM

- ☐ Summary of Case Reviews
- ☐ ADM Summary Review Template
- ☐ Information on Substantive equality, culturally appropriate service provision and/or best interests of the child

## Required Information from Focal Point

- ☐ Case number
- ☐ Verification of eligibility or details of child's situation if not eligible
- ☐ Details of covered by an existing ISC program (previous denial?)
- ☐ Was the child previously approved for a request(s) under Jordan's Principle?
- ☐ Is intervention within or beyond normative standard?
- ☐ Estimated Cost

# Consent

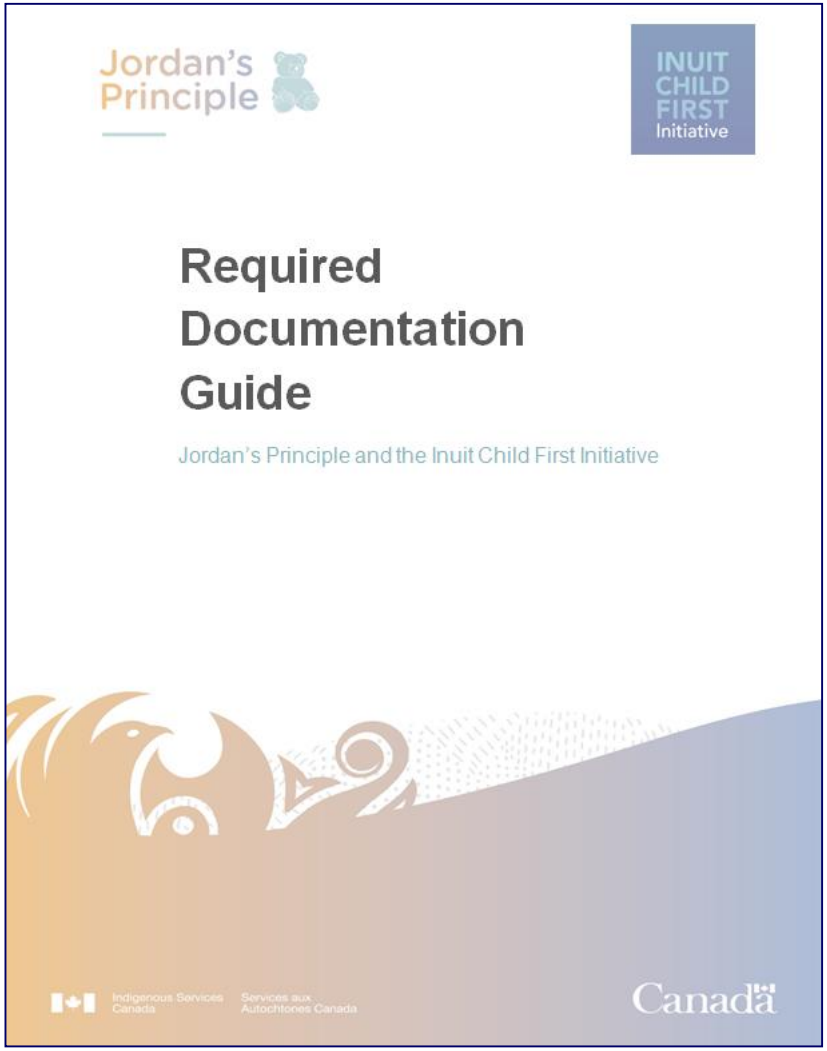
- **Individual Requests**
  - In order to collect sensitive, personal information about an identified child when the request is submitted, Focal Points and Service Coordinators must obtain consent for each request.
  - Consent may be obtained from a person who is a substitute decision maker, such as a power of attorney or an authorized representative, which can include hired personnel from health organizations, schools, or child and family services.

- **Group Requests**
  - For Group Requests, consent is required if any identifying personal or health information about a child is submitted.
  - Written confirmation that consent is on file with the organization or group delivering or requesting the intervention is acceptable.
  - For group requests where there are no identified children, consent would not be required. Example: a group request for a program to address a population of children whose identifying personal information has not been shared.

# Required documentation for an Individual Request

- Signed documentation is required from a health, social or education professional:
  - clearly indicates the diagnosis(es) and/or identified need;
  - directly recommends the requested product/support/service; and
  - stipulates the recommended frequency/duration (treatment plan), if applicable.

- See Required Documentation Guide for more information



# Required Documentation for Group Requests

- Required information for Group Requests include:
  - assessments and recommendations for specific children identified in the request that link the requested item/s or services to the identified needs of each of the children; or
  - a letter by a health, social or education professional summarizing the demonstrated/identified need for a group of children which:
    - links the requested intervention to the identified needs of the group of children; and and that
    - includes an attestation that assessments/referrals/prescriptions/letters for the specific children included in the request are available for provision, if applicable/necessary.

- Letter of Support or email from an official representing the Band Council or Nation.

## Documentation to Support Substantive Equality, Culturally Appropriate Service Provision and/or Safeguarding the Best Interests of the Child

- Requests beyond the Normative Standard of Care require further documentation, information, or testimony that demonstrates the child's distinct needs.

- Focal Points consider the specific needs of the child and details of the child's history, familial, or social context using the guides in the SOP

- This information is necessary to demonstrate the need to provide a product, service, or support that is not available to a non-First Nations child under a publicly-funded program.

- Gathering documentation should not result in lengthy delays in submitting requests.

## Record Keeping Requirements for Service Coordination and Service Delivery

- Service Coordination Fund – organizations and communities must maintain a file for each client including the following information:
  - Client information
  - Services/supports provided

- Service Access Resolution Fund – any organization/community must maintain a file for each client that includes the following information:
  - Client information
  - Assessments of needs
  - Services/supports provided
  - Detailed expenditures

Note: Collected information under both funds will be made available to ISC Focal Points upon request for review and audit.

# ADM Review – Escalated Requests

**An ADM Review is required:**

- Where a request is not approved by the Region.
- Requests that require advice/support.
- For youth over the age of majority.
- Requests for Indigenous children with no status number, who are not entitled to be registered, and are not Ordinarily Resident on Reserve.
- Where child is eligible through the Interim Relief Order 2019 CHRT 7.

**Authority for issuing a denial resides with**:

- the Assistant Deputy Minister of Regional Operations, FNIHB, ISC
- an alternate official designated by the ADM-RO FNIHB, ISC.

# Appealing a Denied Request

- If an individual or group request has been partially or fully denied, the requester may appeal the decision:
  - by submitting a written request to the regional Focal Point
  - additional documents or information may be included
  - within one year of the date of denial
- When a request to appeal is submitted, it is reviewed by a committee which will not include the official who reviewed and rendered the original decision to deny the request.
- The appeal decision will be provided to the requester in writing within 30 days of receipt of the written request.
- Where a request is denied on appeal, the requester has the right to seek a judicial review of the decision by the Federal Court within 30 days of receiving the decision of the Appeals Committee.

JPCASEMGT-GESTCASPJ@hc-sc.gc.ca