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### Implications of the Final Agreement on the Long-Term Reform of the First Nations Child and Family Services Program

This document provides an overview of the implications associated with accepting the Final Agreement.

### **Positive Effects of Accepting**

# Securing groundbreaking remoteness adjustments which result in an average of 101% upward adjustments to funding for NAN First Nations to account for the increased costs of delivering services in remote communities.

Ongoing improvements to remoteness related research through the Remoteness Secretariat, and the National Assembly of Remote Communities.

The FSA is the product of extensive negotiations between Canada and First Nations organizations over several years.

The 10-year duration of the agreement is a significant funding commitment.

Access to an Alternative Dispute Resolution Mechanism would be open to the Parties, as well as First Nations and service providers, unlike the Tribunal which is only available to the Parties in this complaint.

## Potential Downsides of Accepting

"Actuals" funding will end. The FSA would replace access to the Tribunal's orders for actuals with the funding formulas within the agreement.

Potential increased liability. First Nations who want to develop and deliver services accept the good and the bad with that, the bad being, increased liability, potential staffing issues, and increased reporting requirements, etc.

Application based model for capital funding.

The jurisdiction of the Canadian Human Rights Tribunal would cease for the Parties, and the Parties would no longer have access to the Tribunal.

The funding committed to in the Final Agreement will be subject to the annual appropriations process, where each year Parliament votes on appropriate legislation which authorizes the government to access funding for its programs and services. This is the



Increases in program funding including continued funding for prevention and band rep services, new top-up funding, all adjusted upwardly for remoteness.

Funding is stable for 10 years, without the need to apply year over year, unlike in the actuals process.

Increased accountability mechanisms for Agencies to their affiliated First Nations.

Increased role for First Nations in service delivery if they so choose, with dedicated funding to deliver prevention, band rep services, and post-majority support services

Flexible funding model which allows funding to be reallocated between line items and carried forward.

Built in mechanisms for review. Two program assessments will be conducted, one at the 5-year mark, another after 10 years.

New governance support including the establishment of secretariats that will provide data regarding.

Negotiated Agreement rather than a potential of an imposed program: accepting means certainty about the terms of the FSA. Many things could happen if the FSA doesn't go forward, but unlikely amongst them are complex renegotiations.

Housing funding for First Nations which was not ordered but was achieved through negotiations.

process most Government of Canada programs follow.



#### **Limitations**

In addition to the above list of positive effects and potential downsides, there are certain *limitations* to the FSA. Because the FSA is intended to settle a specific case, the settlement is mostly focused on the issues raised in that case.

These issues should not be confused as drawbacks to approving the FSA. Rather these things are not included at this time, and may be raised in the future or in other forums:

- Funding for off-reserve band members.
- Disputes around using the IRS as a population metric, such as low rates of registration.
- Funding to address all the social determinants that lead to contact with the child welfare system such as poverty, mental health, and lack of housing.

