

BACKGROUNDER – MEMORANDUM OF UNDERSTANDING BETWEEN INAC AND FNHC

This backgrounder provides more information on the purpose and intent of the agreement recently signed by the First Nations Health Council (FNHC) and the Minister of Indigenous and Northern Affairs Canada (INAC) related to services for First Nation children and families in BC.

Purpose of the Agreement:

The MOU with INAC sets the table for a comprehensive, inclusive and community-led process to improve social services accessed by First Nation children, youth and families in BC.

Focus on Root Causes and Social Services:

To reduce the number of First Nation children being taken into care, we must tackle the root causes. This includes mental health and wellness, substance use, intergenerational trauma, inadequate housing, food insecurity and poverty.

The MOU with INAC creates space for communities to talk about the root causes and advocate for new investments in community-based initiatives aimed at tackling them.

Mandate and Process:

The FNHC is a province-wide political and advocacy body. The 15 members of the FNHC are appointed by and accountable to the Chiefs through their respective Sub-Regional Caucuses, Nations and Regional Caucuses.

The FNHC takes its direction from First Nations through discussions at Regional Caucuses and the Gathering Wisdom for a Shared Journey forum. In May 2011, BC Chiefs endorsed Consensus Paper 2011 and Resolution 2011-01. This mandated the FNHC to continue as a provincial-level political and advocacy body to:

- Provide political leadership for the implementation of the health plans
- Support First Nations to achieve their health and wellness priorities
- Build partnerships to make progress on the social determinants of health
- Ensure communication, transparency, cost-effectiveness and accountability of the FNHC to First Nations

The First Nations Health Authority (FNHA) is responsible for planning, delivering and funding all of the health programs previously provided by Health Canada. While the FNHA and the FNHC are partners, each entity has a distinct mandate and role. The FNHA is responsible for operations. The FNHC is responsible for political advocacy and oversight. This structure ensures there is a clear separation of political and operational roles.

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Not About Jurisdiction:

The FNHC is not negotiating jurisdiction or assuming new authority for children and family services. The FNHC exercises due diligence and care to ensure that processes and agreements are without prejudice to First Nations interests.

Before, during, or after the engagement, Nations may decide to negotiate jurisdiction with Canada and BC directly. This work rightfully belongs to the Nations.

Not About the Transfer of Services:

This FNHC has not discussed the transfer of children and family services with the Government of Canada or the Province of BC. The FNHC or FNHA is not taking over the administration of the First Nation Children and Family Services Program from INAC.

More Resources and Capacity Coming:

No FNHA health funding will be used to resource the engagement process referenced in the MOU with INAC. The FNHC and INAC have agreed to find new funding to support the engagement process. This new funding stream will be used for engagement purposes only. It does not take away from existing funding available to communities for health, children or families.

The FNHC has heard from many First Nations that capacity is an ongoing challenge. The FNHC has communicated clearly to government that more resources are required to support discussions at the Nation level.

No Impact on Canadian Human Rights Tribunal Decision:

The Government of Canada must meet its obligation to meaningfully invest in and reform its discriminatory practices as per the 2016 Canadian Human Rights Tribunal decision. The MOU with INAC will not interfere in any discussions that Nations or their Delegated Aboriginal Agencies may be having directly with the Government of Canada on investments or delivery of services.

The MOU with INAC will create space for discussion directly with BC First Nations on community-based preventative services. It will also provide a platform for a broader discussion on needed investments in the long-term.

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Commitment to Co-Develop New Programs, Structures or Policies:

A key commitment in this agreement is that BC First Nations are full and equal partners in the development of any new policy, structures or processes in BC.

This means INAC must engage meaningfully with the Nations to ensure program reforms support community-based prevention services. This includes the creation of a stronger continuum of care for children and families in BC.

This Work Belongs to the Nations and is Best Discussed in the Regions:

The MOU with INAC will bring discussions closer to home at both the sub-regional and regional level. Through this agreement, Nations will have the opportunity to engage the Government of Canada directly on their priority issues. Through engagement at Sub-Regional Caucuses, Nation Assemblies and Regional Caucuses, Chiefs, caregivers and advocates will be able to engage directly with senior government officials on their own plans for the design and delivery of preventative services for children, youth and families.

Each Nation is at a Different Stage of Development:

First Nations in British Columbia are diverse and the current situation is complex. First Nation children and families are too often served by complex systems, driven by a mix of legislation, policy and standards developed and delivered by different levels of government. There are Nations with years of experience delivering a full range of health and social services, including Delegated Aboriginal Agencies. There are Nations who have established non-profit organizations that now provide preventative services to their communities. There are some Nations that are only served by the Ministry of Children and Family Development. Each Nation is at a different stage when it comes to children and family services.

Building Consensus on New Models:

The FNHC and INAC have agreed to support a Community-Driven, Nation-Based engagement process over a period of 18 months. The engagement process will be consistent with the BC First Nation endorsed 'engagement and approvals pathway.' This process will include Regional Caucuses and a minimum of one province-wide Gathering Wisdom for a Shared Journey Forum. The goal is to build broad consensus on reforms to services and related funding, policy and programs.

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Commitment to Address Inequities in Funding, Policy and Programs:

The decision of the Canadian Human Rights Tribunal was clear that the funding formulas used by INAC do not address the real needs of communities. Through this process, there is an opportunity to talk about these inequities and develop approaches that provide more money for prevention, greater flexibility for Nations to design and delivery prevention services, and greater accountability of Canada and BC to BC First Nations.