

Webinaire #3 Comparaison des modèles de financement : Plan pour une justice aimante et Plan du Canada

13 Mars 2026



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NATIONAL CHILDREN'S CHIEFS COMMISSION

STANDING TOGETHER FOR A BETTER FUTURE




First Nations Child & Family
Caring Society of Canada

Société de soutien à l'enfance
et à la famille des Premières Nations
du Canada



Hosted by the Our Children Our Way Society

WEBINAR OUTLINE:

•••• Introductions & Background – Chief
Erica Beaudin

•••• Overview of Funding – Stephanie Wellman

•••• Key Considerations & Comparators –
Richard Gray

•••• Key Questions to Consider – Dr Cindy
Blackstock

•••• Question and Answer – Panel

•••• Closing Prayer – Judy Wilson

Background

- **FNCFS program – inequitable funding**
- **First Nations-led research and solutions**
- **2007: Human Rights Complaint**
- **2016: CHRT substantiates complaint**
- **Phased approach: immediate, medium, long-term reform**
- **Long-term reform: fully end discrimination, prevent recurrence**
- **2024: draft Final Agreement – rejected**
- **National Children’s Chiefs Commission**
- **CHRT orders long-term reform plans**
- **Loving Justice Plan vs. Canada’s Plan**

Disclosure

- The First Nations Child and Family Caring Society is a co-complainant in the First Nations Child and Family Caring Society et al. v. Attorney General of Canada (T1340/7008) case.
- This presentation is a high-level summary only, and the Caring Society encourages everyone to read the source documents (fnwitness.ca) or the NCCC website





What is the CHRT case about?

Permanently stop Canada's discrimination against First Nations children, youth and families in:

First Nations Child and Family Services

Jordan's Principle

What did 2025 CHRT 80 order the CHRT parties to do?

Canada

- Create a plan to remedy its discrimination, with evidence and in alignment with the Tribunal orders, and file by December 22, 2025
- Encouraged Canada to work with Caring Society, AFN and NCCC on one plan- Canada refused and sought juridical review of 2025 CHRT 80 (ongoing)

Caring Society and AFN

- Ordered to engage nationally (outside Ontario) with First Nations and experts (including youth) to develop a plan to remedy Canada's discrimination with evidence and in alignment with the Tribunal's orders
- Encouraged collaboration with the National Children's Chiefs Commission

2025 CHRT 80: Safeguarding Future Generations

- Tribunal's order to cease discrimination is treated the same as an injunction (para 60)
- Orders meant to safeguard multiple generations (para 61)
- Improve on the CHRT orders and respect the spirit of the orders (para 113 (5))
- Based on best available evidence (para 113 (4))
- Respect the human rights in the Convention on the Rights of the Child and UNDRIP (para 113 (8))
- Incorporate regional and First Nations perspectives (para 113)
- Plan will proceed with or without Canada (para 125, 126)

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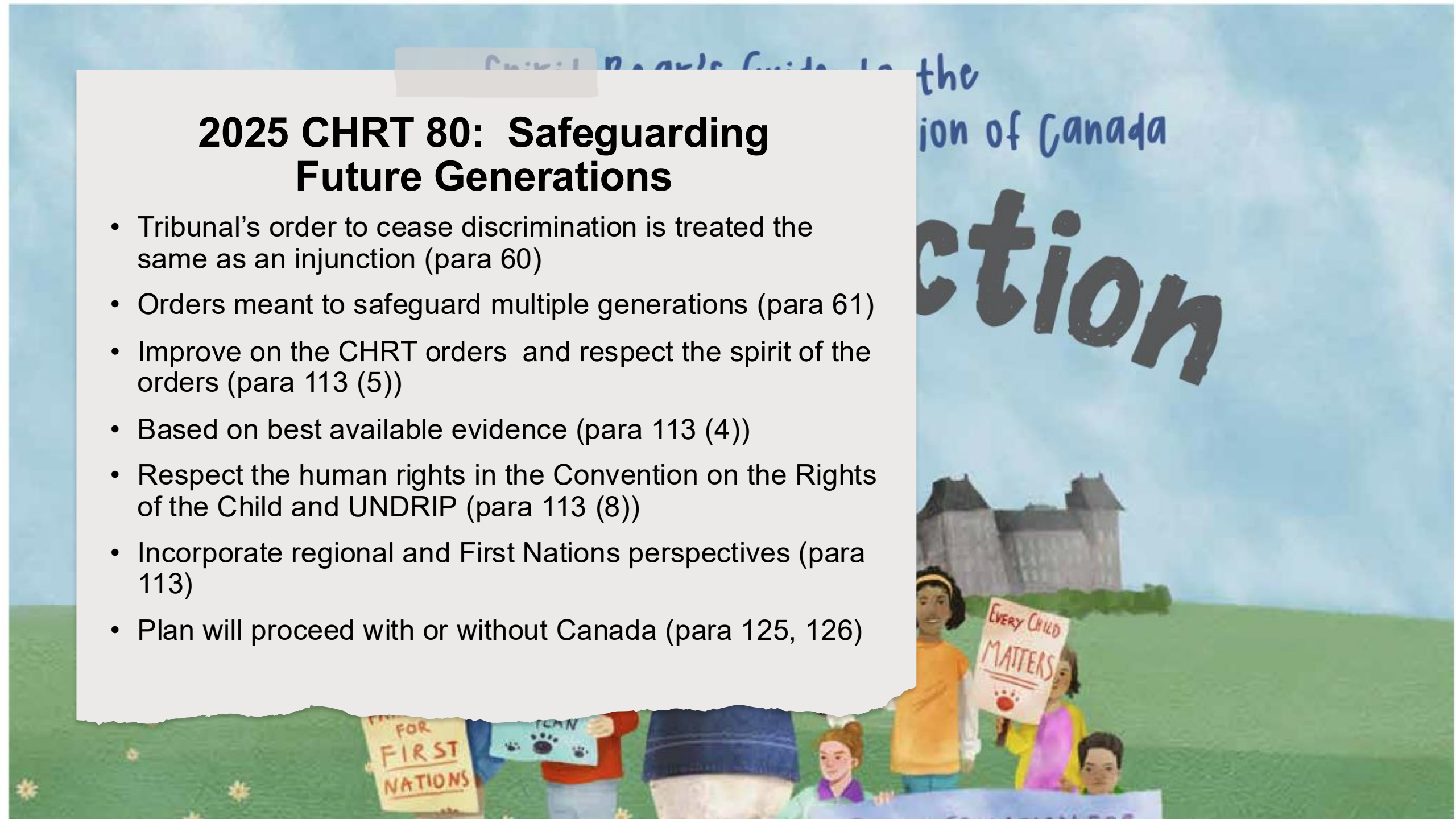
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FOR
FIRST
NATIONS

TEAM

EVERY CHILD
MATTERS

FOR FUTURE GENERATIONS



Canada's Plan

- Designed and developed by Canada
 - \$27B from 2026-2034
 - \$4.4B ongoing after 2034
 - Based on the rejected FSA and OFA
 - Requires a declaration that Canada's plan satisfies, supersedes, and replaces Tribunal orders in FNCFS
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- Regional agreements within a National Framework
 - No public publication of criteria for negotiation funding or process
 - Proposes to negotiate one agreement per province by September 30, 2026
 - Default to National Framework if regional agreements not reached
 - Funding elements and funding amounts **not** subject to regional negotiations
 - Negotiations focus on implementation
 - National program Terms and Conditions

How is the failed Final Settlement Agreement replicated in Canada's National Plan?

1. Temporary Program Reform vs. Permanent Rights

- Reform framed through fixed funding periods, implementation timelines, and review cycles
- CHRT findings treated as completable program changes, not ongoing human-rights obligations.

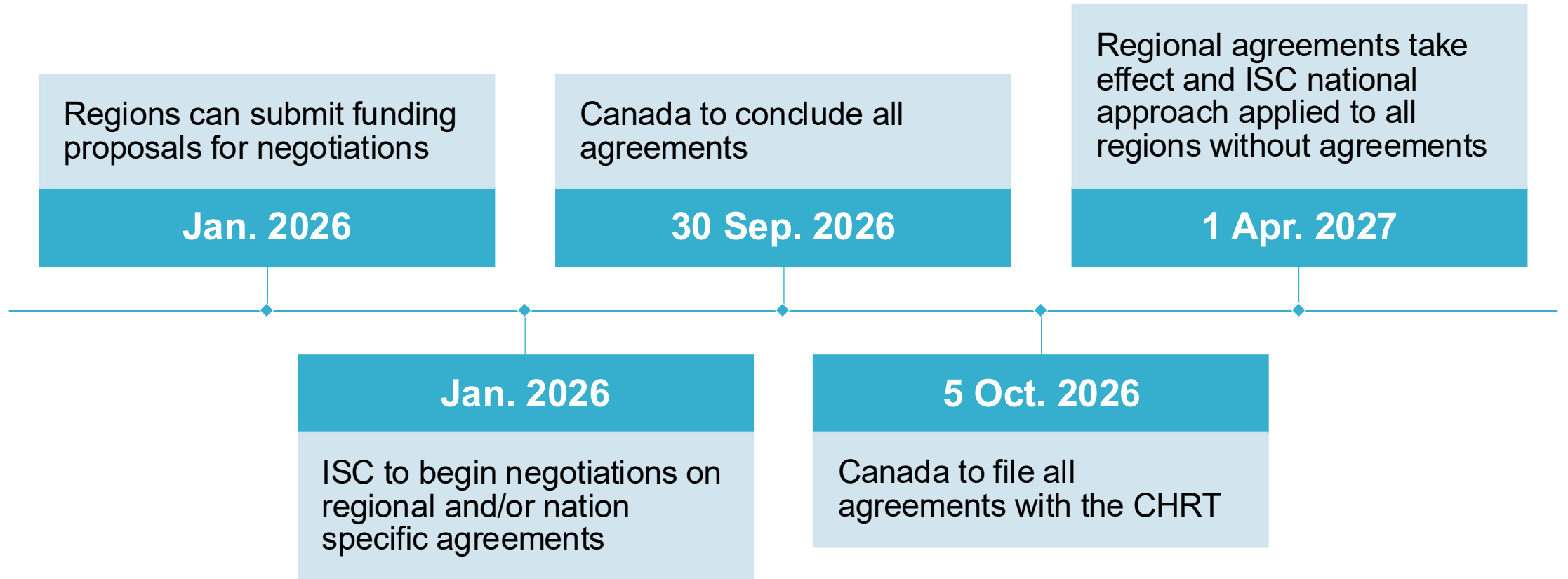
2. Formula-Driven Funding vs. Substantive Equality

- Standardized, non-negotiable funding formulas (baseline, prevention, capital, post-majority) with no actuals as a backstop
- Limited ability to respond to actual child, family, and community needs

3. Continued Federal Decision Making and Discretion

- Zero decisions for First Nations leaders on funding levels and architecture (beyond implementation).
- Canada retains control through national frameworks, assessments, and data mechanisms
- Canada focuses on accountability of agencies
- Accountability for Canada focused on program review with Canada holding discretion on recommendation implementation

Timeline for Canada's Plan



Comparative Summary

Loving Justice	Canada's Plan
Funding Basis: Needs-based + actuals backstop	Funding Basis: Formula-based, population driven
Funding protection: Yes (Statutory or special allotment)	Funding Protection: No statutory protection
Capacity Funding: Yes – Funded at actuals	Capacity Funding: No designated capacity funding – Capacity building drawn from children's service funds
Reallocation Protection: Yes	Reallocation Protection: No protection – Reallocation risk remains
Actuals: Permanent backstop until better data exists	Actuals: Ends in 2027 (except limited areas subject to Canada's discretion)
Prevention Funding: Needs-based	Prevention Funding: \$2,500 per person on reserve
Capital Funding: Actuals until new mechanism is co-developed	Capital Funding: Proposal-based after 2027, federal discretion and ultimate decision-making

Section Overview: Key Considerations and Comparators

- **Funding Mechanisms**
- **Prevention & Capacity Funding**
- **Governance and Decision Making**
- **Transition and Implementation**
- **Measuring Outcomes**

Funding Mechanisms: Who Holds the Pen?

Loving Justice Plan

Block Approach :

- Needs-based, flexible, First Nations–led allocation.
- Protects autonomy and supports long-term planning.

Canada's Plan

Canada's Approval-Based Approach:

- Formula-driven; Canada retains authority over levels, timelines, and standards.
- Risk of continued underfunding and administrative delays.

Key Comparator: Degree of First Nations control vs. federal gatekeeping

Prevention & Capacity Funding

Loving Justice Plan

Loving Justice Approach:

- Prevention is fully funded as an operational requirement.
- Capacity-building recognized as essential and ongoing.
- Promotes funding based on need and informed evidence

Canada's Plan

Canada's Approach:

- No operational funding for prevention.
- Capacity is not considered.
- Relies on flexible approach between services to redirect funds.
- Funding adjustment request option.

Contrast: Prevention becomes discretionary rather than foundational.

Governance and Decision Making

Loving Justice Plan

Loving Justice Approach:

- National framework with Regional Secretariats.
- Clear dispute resolution pathways.
- First Nations decision-making embedded at all levels.
- Secretariats would be funded at actuals.

Canada's Plan

Canada's Approach:

- Regionalized negotiations with conditions set by Canada.
- No national governance structure.

Comparator: National coherence vs. fragmented regional process.

Measuring Outcomes

Loving Justice Plan

Loving Justice Approach:

- Outcomes tied to child well-being, family integrity, and community-defined indicators.
- Data sovereignty and First Nations-led evaluation.

Canada's Plan

Canada's Approach:

- Metrics tied to federal reporting frameworks.
- Limited recognition of First Nations-defined success.

Comparator: Community-driven outcomes vs. federal administrative metrics.

Summary: What This Means for First Nations

- **Control over funding and governance determines long-term success.**
- **Prevention and capacity must be operational, not optional.**
- **National consistency is essential to ending discrimination.**
- **Tribunal oversight remains a critical protection.**
- **Measuring outcomes must reflect First Nations priorities.**

Key Funding Considerations



Canada's obligation to not discriminate is permanent and not limited by funding agreements/mechanisms



Growing needs= increased projected costs (CIS/OIS)



Alignment of purpose, structures, terms and conditions, agreements and implementation and outcomes essential

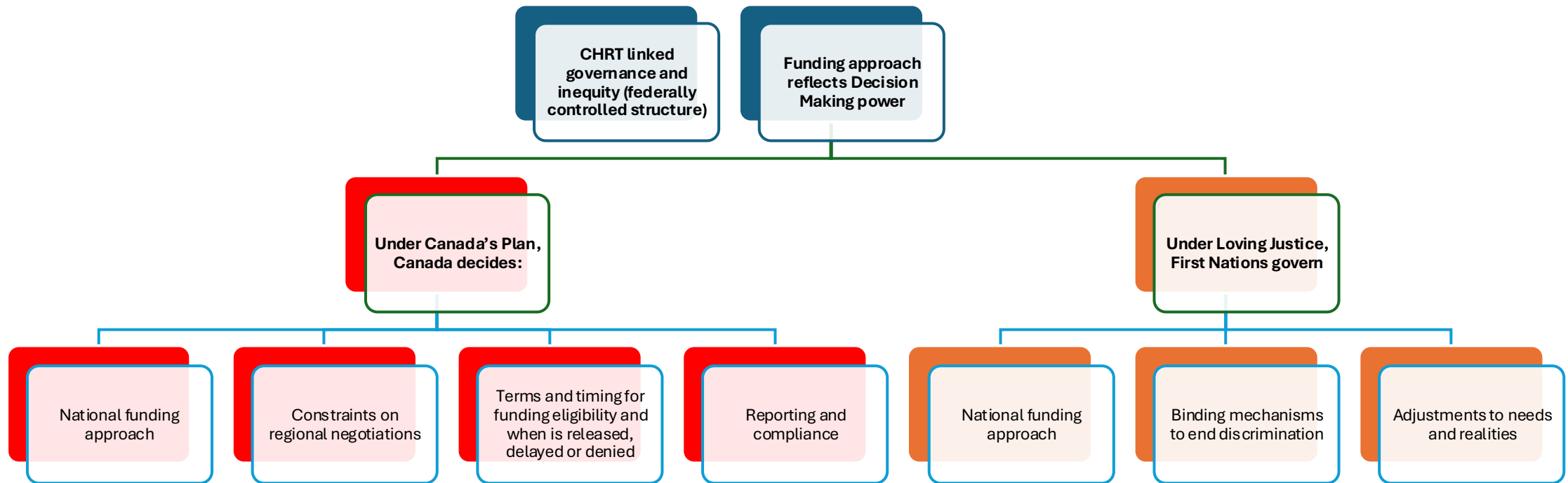


Separate capacity funding protects equitable services



Governance and enforcement needed to ensure funding obligations are met

How governance and funding relate



Comparing Governance in Canada's Plan and Loving Justice

Governance Dimension	Canada's Plan	Loving Justice
Source of authority	Federal program	CHRT orders & inherent rights
Who governs	Canada with regional input	First Nations-appointed body
Legal character	Policy reform	Human rights remedy
Accountability	Upward to Canada	Downward to First Nations children
Durability	Policy-based	Rights-based, enforceable
Relationship model	Delegation	Self-government

Lessons Learned



Look at the fine print in federal funding announcements. Ensure conduct matches aspirations.



Most concerning provisions often found in the final pages and appendices



Time limited agreements without provisions to address systemic breaches in a timely and effective manner risk replicating discrimination.

Summing Up

Funding	Funding purpose, structure, terms and conditions, agreements, governance and enforceability are key to ensuring non-discrimination
Measure	Measure child, family and structural outcomes to optimize funding
Capacity	Separate capacity building fund key to ensuring service equity