

Contributions to provide women, children and families with Protection and Prevention Services

1. Introduction

Through its Social Development Program, Indigenous Services Canada (the Department) administers the provision of social services that contribute to individual, family and community well-being for First Nations. Eligible program recipients include First Nations, First Nations organizations, provinces and territories, and other service providers authorized by the Department and on consent of First Nations. The Department provides funding for social services on reserve including the **Family Violence Prevention Program (FVPP)** and the **First Nations Child and Family Services (FNCFS)** program.

FNCFS oversees and provides contribution funds for the ongoing provision of culturally-appropriate prevention, protection and well-being services for First Nations children¹ and families on reserve. In the case of child protection and band representatives in Ontario, services are provided in accordance with the legislation and standards of the province or territory of residence.² The safety and best interest of the child are paramount in the provision of these services. FVPP funding is intended for family violence services responsive to community needs. The primary objective of FVPP is to support women, children and families living on-reserve with family violence shelter services through funding to core shelter operations. The secondary objective is to support family violence prevention activities through funding to Indigenous communities and organizations. FVPP also funds prevention and awareness activities for Indigenous communities and organizations (First Nations, Métis and Inuit) off-reserve. These programs are intended for Indigenous people.

The FNCFS program is now intended to emphasize the use of preventive, early intervention and least intrusive measures in order to respond to child maltreatment (abuse or neglect), support for family preservation and well-being, maintenance of family, cultural and linguistic connections for children in care, former children in care (post-majority), and community wellness using a community supported approach. It also promotes a collaborative relationship between communities and agencies. The introduction of a new funding stream within FNCFS for Community Well-being and Jurisdiction Initiatives (CWJI) is designed to enable projects of up to five years in duration to expand the availability of prevention and well-being initiatives that are responsive to community needs, and to support First Nations in developing and implementing jurisdictional models.

¹ Children are defined as persons under the age of majority, i.e., the age at which a person is granted the rights and responsibilities of an adult, in accordance with provincial or territorial legislation. Services may also be provided to First Nations youth formerly in care after they reach the age of majority pursuant to legislative provisions regarding post-majority care.

² As provinces and territories have jurisdiction over child and family services, all child and family service providers must be delegated or in the process of delegation by the province or territory and must comply, at minimum, with provincial or territorial legislation and standards.

With program reform, services under the FNCFS program will be provided on the basis of substantive equality to address the specific needs and circumstances of First Nations children and families living on-reserve – including their cultural, historical and geographical needs and circumstances – in a manner that accounts for cost drivers related to inflation and increased needs or numbers of children in care and their families. The program also needs to provide paramountcy to the safety and best interest of the child. In order to provide equal opportunity and achieve equitable results and outcomes, the program supports variations in service requirements and methods of service provision.

Fixed and flexible funding approaches through contribution agreements are available for the FNCFS program, as described in the Directive on Transfer Payments (Appendix K: Transfer Payments to Aboriginal Recipients). CWJI projects will also be managed through multi-year contribution agreements. The CWJI is a funding stream of FNCFS, whereas the FVPP is a distinct but complementary program.

Should this Treasury Board Submission be approved, these terms and conditions will be effective immediately upon approval.

2. Authority

FVPP and FNCFS are delivered under the authority of the *Department of Indian Affairs and Northern Development Act*, R.S.C., 1985, c. I-6, s.4., which provides the Minister of Indian Affairs and Northern Development with powers, duties and functions that extend to and include all matters over which Parliament has jurisdiction, not by law assigned to any other department, board or agency of the Government of Canada, relating to:

- (a) Indian affairs;
- (b) Yukon, the Northwest Territories and Nunavut, and their resources and affairs; and,
- (c) Inuit affairs.

The Canadian Human Rights Tribunal orders relating to the FNCFS program are as follows:

- The Tribunal's January 26, 2016 Order (2016 CHRT 2) to cease its discriminatory practices with respect to First Nations child welfare and reform the FNCFS program and *1965 Agreement* to comply with the Tribunal's findings.
- The Tribunal's April 26, 2016 Order (2016 CHRT 10) to immediately take measures to address:
 - incentives in the FNCFS program to remove children from their homes and communities;
 - the funding of FNCFS agency operations budgets based on assumptions regarding population thresholds and children in care;
 - reductions in operations budgets for small and remote FNCFS agencies that affect these agencies' ability to provide effective programming, respond to emergencies, and put some small and remote agencies at risk of closing;
 - bringing the FNCFS program in line with current provincial child welfare legislation and standards;

- the need for adjustments to funding for inflation/cost of living or changing service standards to help address increased costs over time and to ensure that prevention-based investments more closely match the full continuum of services provided off-reserve; and
- funding deficiencies for items such as salaries and benefits, training, cost of living, legal costs, insurance premiums, travel, remoteness, multiple offices, capital infrastructure, culturally appropriate programs and services, band representatives and least disruptive measures.
- The Tribunal's September 14, 2016 Order (2016 CHRT 16):
 - not to decrease or further restrict funding for First Nations child and family services;
 - to determine budgets for each FNCFS Agency based on an evaluation of that Agency's distinct needs and circumstances, including an appropriate evaluation of remoteness;
 - to establish the assumption of 6% of First Nations children in care and 20% of families in need of services as minimum assumptions only and to determine funding for FNCFS agencies with rates of First Nations children in care and families in need exceeding these assumptions in accordance with the actual level of children in care and families in need;
 - to cease formulaically reducing funding for FNCFS agencies serving fewer than 251 eligible children and instead determine funding based on actual service level needs, regardless of population level; and
 - to cease requiring FNCFS agencies to recover cost overruns related to maintenance from prevention or operations streams.
- The Tribunal's May 26, 2017 Order (2017 CHRT 14) to immediately implement the full meaning and scope of Jordan's Principle.
- The Tribunal's February 1, 2018 Order (2018 CHRT 4) to:
 - eliminate that aspect of the FNCFS program's funding formulas/models that creates an incentive resulting in unnecessary apprehension of First Nations children from their families and/or communities and cease its discriminatory practice of not fully funding the cost of prevention/least disruptive measures, building repairs, intake and investigations and legal fees in child welfare;
 - to provide funding on actual costs for least disruptive measures/prevention, building repairs, intake and investigations and legal fees in child welfare;
 - to provide funding on actual costs for child service purchase in child welfare;
 - to provide funding on actual costs for small FNCFS agencies; and
 - to provide funding on actual costs for Band Representative Services for Ontario First Nations.

Authority is also conveyed through the following:

- *Cabinet decision (December 1965)* - Social services delivery agreement with the Province of Ontario (resulting in the "1965 Memorandum of Agreement Respecting Welfare Programs for Indians," also known as the 1965 Welfare Agreement (Ontario));
- *Cabinet decision (March 1997)* to consider the Innu people at the communities of Sheshatshiu and Davis Inlet as if they were Registered Indians on reserve land, for the purpose of providing them with programs and services;
- "Administrative Reform Agreement with the Province of Alberta (1991)," also known as the "Alberta Reform Agreement;"

- *Cabinet decision (December 2004)* - Stabilization for First Nations Child and Family Services;
- *Cabinet decision (February 2007)* - National policy authorities and incremental investments for the First Nations Child and Family Services program in Alberta;
- *Treasury Board decision (March 2007)* - National transfer payment authorities and incremental investments for the First Nations Child and Family Services Program in Alberta;
- *Treasury Board decision (April 2007)* - Approval of renewed national transfer payment terms and conditions for the First Nations Child and Family Services Program and incremental investments in Alberta 2007-2008; and,
- *Treasury Board decision (October 2016)* - Funding to support urgent investment in the First Nations Child and Family Services Program.
- Policy authority for the FVPP is also found in Budget 2012, Budget 2013 and Budget 2016.

3. Purpose, Objectives and Expected Results

Indigenous Services Canada provides funding for social services on reserve including the Family Violence Prevention Program and the First Nations Child and Family Services Program. These two programs mainly aim to fund protection and prevention services for women, children and families ordinarily resident on-reserve. First Nations, provincial or territorial representatives and other recipients who receive funding provide on reserve residents and Yukon First Nations with individual and family services that are developed and implemented in collaboration with partners. The intention of these programs is to assist First Nation individuals and communities to become more self-sufficient; protect individuals and families at risk of violence; and to provide prevention supports that allow individuals and families to better care for their children. First Nations that are engaged in advancing their own development are better equipped to leverage opportunities made available by their communities and actively contribute to the broader Canadian economy and society.

FNCFS outcomes focus on safe, healthy children and families being supported by communities able to identify and address child and family needs.

Immediate (one to two years):

- First Nations families have greater access to culturally-appropriate prevention and early intervention services.
- First Nations service providers have adequate and predictable resources that allow for the development and delivery of culturally based child welfare standards and services including prevention services.

Intermediate (three to five years):

- Continuity of family, community and cultural connections is preserved for First Nations children in care.
- First Nations children in care achieve permanence and stability.

Ultimate (five years and beyond):

- The over-representation of First Nations children in care is decreased compared to the proportion of non-Indigenous children in care in the overall population of children in Canada.
- The safety and well-being of First Nations children are improved.

4. Eligible Recipients

Eligible Recipients	FNCFS – Agencies	FNCFS – CWJI	FVPP
FNCFS agencies or Societies ³ .	Yes	No	Yes
Other delegated/designated providers of child and family service providers, including provincially (or Yukon) delegated/designated agencies and societies.	Yes	No	No
Provinces and Yukon territory.	Yes	No	Yes
Chiefs and Councils of First Nation bands recognized by the Minister of Indigenous Services Canada, Tribal Councils, First Nations, and First Nation organizations.	Yes	Yes	Yes
First Nation communities, First Nations authority, board, committee or other entity created by Chief and Council for purposes such as providing social services or health care.	No	Yes	Yes
Indigenous communities and organizations (First Nations, Métis and Inuit) off-reserve.	No	No	Yes
Incorporated shelters	No	No	Yes

Prevention services may be delivered by non-delegated service providers. Communities who undertake prevention related activities and projects through the CWJI stream of funding can do so without being delegated as well.

³ Those would include agencies in the process of obtaining delegation, and those that are recognized by provinces in the delivery of CFS.

5. Eligible Initiatives and Projects

FNCFS Agencies

a. Planning

Multi-year Plans are being introduced for the 2019-20 fiscal year that will support new or existing strategic planning and coordination of efforts among child welfare service providers. Each delegated FNCFS agency is required to develop a multi-year Plan for Child and Family Services to describe the agency's response to identified needs and priorities within the community, including how service delivery will be coordinated with other service providers, and provide the expected outcomes. The Plans will also provide the FNCFS program with a better understanding of agency priorities over the medium-term and how to best support these priorities going forward. Agencies will be resourced to support the development of new or modified plans.

Services delivered by the agency should take into account the distinct needs and circumstances of the First Nations children and families served – including their cultural, historical and geographical needs and circumstances – in order to ensure substantive equality in the provision of child and family services. The Plans will assist with the integration of prevention services that an agency and potentially communities or other services providers are delivering to families.

In certain cases, FNCFS agencies may work with organizations to support First Nations children in care off reserve, including when children are being reunited with families who reside on reserve.

b. Prevention:

- Development and delivery of child maltreatment prevention services – which may be at primary, secondary and/or tertiary levels – that are evidence-informed, culturally-appropriate, address identified risk factors, and build protective capacities within families and communities. (CWJI projects can be funded with the intention to build a greater evidence base for culturally-specific interventions)
 - Primary prevention services are aimed at the community as a whole and include the ongoing promotion of public awareness and education on the healthy family and how to prevent or respond to child maltreatment.
 - Secondary prevention services are triggered when a child is identified as at risk of child maltreatment and intervention could help avoid a crisis.
 - Tertiary prevention services target specific families when a crisis or risks to a child have been identified and are designed to be least disruptive measures that attempt to mitigate the risks of separating a child from his or her family, rather than separate the child from his or her family. These services also assist families to address risks so that children in care can be reunified with their families as quickly as possible.
- Training for staff to ensure culturally-based standards for child and family service delivery.

- Cultivation of community social health and well-being through activities that address inequalities in the determinants of health, promote reductions in adverse childhood experiences, address addictions and mental health concerns that are placing children at risk, meet the needs of children and youth with disabilities and special needs, promote positive culturally-based parenting skills, provide family support, promote healthy child/youth development, and enable family preservation, especially through early intervention to avoid a more intrusive approach (such as removal from the family home).

c. Child Protection, Guardianship and Support:

- Child protection services are triggered when a child's safety or well-being is at risk. Child protection includes those services related to:
 - public education on child maltreatment;
 - assessments/investigations of child maltreatment reports (including after-hours services);
 - intervention planning (including family case conferencing);
 - alternative dispute resolution services/proceedings (e.g., family group conferencing)
 - family court;
 - supervision orders;
 - guardianship and voluntary/special needs custody agreements;
 - post-majority services for former youth in care;
 - placement, support and supervision for children/youth who cannot live safely in the family home while measures are taken with the family to remedy the situation (e.g., kinship, foster or group care, residential treatment, support for Elders and extended family members caring for children, independent living);
 - adoption and custom care;
 - reunification services;
 - extended services for youth transitioning out of care; and,
 - alternative care resource development, training, support and monitoring.
- Activities also may include community liaison and outreach, cultural/language interpretation, legal services, court support, family preservation, placement planning, standards development and implementation, policy development and implementation, and evaluation activities.
- Culturally-based standards can be developed and applied by First Nations for child welfare.

Community Well-being and Jurisdiction Initiatives

a. Community Well-being Initiatives:

- Targeted prevention and well-being services that support children and families in the home and community (e.g., parent education programs, family enhancement/preservation supports, cultural and traditional supports, in-home supports, respite care, services for mental health and addictions, community-wide prevention efforts);
- Provision of wrap-around services and integration of service delivery with other relevant federal/provincial sectors or programs, such as health, education, social services, public safety/corrections, and/or youth services; and,

- Repatriation and reunification of children and youth in care with their families and home communities, including support for youth transitioning out of the child welfare system.

b. Jurisdiction Initiatives:

- Support the development and implementation of First Nation-based jurisdiction that includes child and family safety and well-being, as well as structures, processes, and services to support full and proper jurisdictional implementation;
- Support bilateral meetings with federal and/or provincial governments;
- Research and development of First Nations child and family safety and well-being interventions; and,
- Expand the range of jurisdictional models to recognize the exercise of First Nations jurisdiction that meets or exceeds provincial/territorial standards.

Family Violence Prevention Program

a. Core shelter operations:

Core operating funding to an existing network of family violence shelters serving First Nation communities. The formula calculates a core operating budget for each shelter based on the province of operation, size and geographical location using four expenditure factors: staff salaries and benefits; operational and administrative costs, and where applicable, funds to cover the costs associated with remoteness and emergency needs.

b. Prevention and awareness:

Family violence prevention activities targeting Aboriginal communities and organizations such as public outreach and awareness, conferences, seminars, workshops, support groups, and community needs assessments.

c. Reimbursement of provincial/territorial bills:

In some provinces and Yukon, where service delivery arrangements currently exist, reimbursement of the actual costs of maintaining an individual or family ordinarily resident on-reserve in a provincial/territorial family violence shelter at provincial/territorial per diem rates and rules. Contribution amounts to provinces and Yukon Territory are based on the actual costs of maintaining an individual or family ordinarily resident on-reserve in some provincial and Yukon family violence shelters based on provincial/territorial per diem rates and rules.

d. National Aboriginal Circle Against Family Violence (NACAFV):

Core funding for NACAFV to provide support to shelters and their staff through training forums, gatherings and development/distribution of resources and research.

Retroactivity

Under these terms and conditions, excluding the FVPP, and for the period of January 26, 2016 to March 31, 2018, the FNCFS program will reimburse actual costs incurred for eligible activities, as identified by the Tribunal.

6. Type and Nature of Eligible Expenditures

Note: These expenses should support the activities stated in section 5.

FNCFS Agencies:

Care and Maintenance

The costs must relate to children ordinarily resident on reserve, registered under the *Indian Act* or who are entitled to be registered.

- Allowances for assessment;
- Crisis Line;
- Placement development: recruiting, assessing, training, supporting, monitoring and evaluating care providers;
- Direct client costs;
- Costs for children in alternative care;
- Purchases on behalf of children in care;
- Special needs assessment and testing;
- Non-medical services to children with behavioural problems;
- Non-medical, limited-duration services;
- Other provincially-approved purchases and professional services where funding from other sources was not received in whole or in part for that activity;
- Establishment and maintenance of Registered Education Saving Programs when necessary to comply with provincial legislation/policy;
- Formal customary care and adoption;
- Post-adoption subsidies and supports;
- Family support costs;
- Reunification services;
- Land-based/cultural activities and equipment;
- Recreational and other activities to meet needs of children living at home; and
- Post-majority care services.

Planning and Operations

- Community consultations;
- Design of service and delivery models;
- Financial policy research;
- Development of service standards;
- Determination of staffing requirements and plans;
- Negotiation of agreements;
- Security services;
- Workplace safety;
- After-hour emergency services;
- Coordination of services at the community level.

Administrative Needs

- Costs for training forums, workshops, outreach, awareness;
- Professional and paraprofessional services;
- Interpretation services;
- Development of client and management information systems;

- Staff recruitment and professional development costs;
- Staff salaries and benefits;
- Honoraria for Elders or Knowledge Keepers;
- Staff travel and transportation;
- Employee Assistance Programs;
- Administrative overhead;
- Audits, monitoring, program research, policy development, evaluation;
- Board/committee operations;
- Professional development;
- Orientation and training of local committees, boards of directors and agency staff;
- Provisions to ensure privacy, security and proper management of records;
- Insurance.

Legal Services

- Corporate legal services;
- Legal services related to the provision of child and family services (including inquests);
- Legal services for child representation.

Infrastructure Purchase, Maintenance and Renovations

- Purchase or construction of capital assets (e.g. buildings) that support the delivery of FNCFS services.
- Purchase and maintenance of vehicles suitable for the transportation of children and families support the delivery of FNCFS services.
- Purchase and maintenance of information technology equipment and systems that are tailored to child and family services delivery;
- Establishment and maintenance of an agency office;
- Purchasing and maintenance of equipment and furniture;
- Operations, minor maintenance (e.g. general repairs, painting, plumbing, minor electrical)
- Janitorial and ground maintenance services;
- Renovations/repairs to the building structure, structural foundations, etc.;
- Repair/replacement of roofing, siding etc.;
- Repairs replacement of Heating system, Cooling system, Ventilation system, Electrical system, Water system, Plumbing system, Back-up generators, etc.;
- Repairs/replacement to/of the floors;
- Repairs/repainting to/of the walls, ceiling, etc.;
- Repairs/replacement to/of windows, doors, etc.;
- Repairs/renovations to the toilets, bathrooms;
- Repairs/renovations to the kitchen (including replacement of cupboards, counters, etc.);
- Repairs/renovations to storage space;
- Repairs/renovations related to improved indoor environmental quality including:
 - Air quality (e.g. vent replacement),
 - Thermal comfort (e.g. replacement of thermostats),
 - Acoustics (e.g. wall insulation),

- Day lighting (e.g. additional windows, replacing/installing additional light fixtures to simulate external light for centers in the north, etc.)
- Pollutant source control (e.g. water purification systems);
- Use of low-emission materials and building system controls, etc.; and,
- Fixtures and Equipment required by Fire Regulations including Fire alarms, Fire doors, Exit signs, Fire extinguishers, First aid kits, Earthquake kits, etc.
- Repairs/renovations to the parking lot;
- Repairs/renovations to external alleys, paths, etc.;
- Repairs/renovations to external structures;
- Permanent Signage;
- Outdoor play structures/space; and,
- Porch, deck, fences, etc.

Note: In regards to the purchase and sale of buildings FNCFs terms and conditions are consistent with those of the First Nations Infrastructure Fund. These are:

Where asset is sold, leased, encumbered or disposed of within:	Return of contribution (in current dollars):
2 Years after Project completion	100%
Between 2 and 5 Years after Project completion	55%
Between 5 and 10 Years after Project completion	10%

Band Representatives in Ontario

- Salary and benefits;
- Honorarium/ Per diem;
- Travel (Accommodations and meals);
- Long distance telephone calls;
- Client transportation (non-medical);
- Family support services; and,
- Court fees and disbursements and court-ordered costs related to child protection cases.

Community Well-being and Jurisdiction Initiatives:

Planning and Operations

- After-hour emergency services;
- Workplace safety;
- Provisions to ensure privacy, security and proper management of records;
- Coordination of services at the community level;
- Crisis Line;
- Direct client costs;
- Other provincially-approved purchases and professional services where funding from other sources was not received to cover the entire cost of the related activity;
- Family support costs;
- Special needs assessment and testing;
- Non-medical services to children with behavioural problems;

- Non-medical, limited-duration services;
- Interpretation services;
- Land-based/cultural activities;
- Recreational and other activities to meet needs of children living at home;
- Post-majority care services; and,
- Parenting courses and anger management courses.

Administrative Needs

- Staff recruitment and professional development costs;
- Staff salaries and benefits;
- Employee Assistance Programs;
- Staff travel and transportation;
- Professional development;
- Board/committee operations;
- Administrative overhead;
- Audits, monitoring, program research, policy development, evaluation;
- Insurance;
- Costs for training forums, workshops, outreach, awareness;
- Policy positions;
- Professional and paraprofessional services.

Legal Services

- Corporate legal services;
- Legal services related to the provision of child and family services.

Infrastructure Purchase, Maintenance and Renovations

- Capital costs for:
 - Purchase or construction of capital assets (e.g. buildings) that support the delivery of FNCFS services;
 - Purchase and maintenance of vehicles suitable for the transportation of children and families support the delivery of FNCFS services;
 - Purchase and maintenance of information technology equipment and systems that are tailored to child and family services delivery.
- Operations, minor maintenance (e.g. general repairs, painting, plumbing, minor electrical);
- Janitorial and ground maintenance services.

Where asset is sold, leased, encumbered or disposed of within:	Return of contribution (in current dollars):
2 Years after Project completion	100%
Between 2 and 5 Years after Project completion	55%
Between 5 and 10 Years after Project completion	10%

Family Violence Prevention Program:

Eligible Expenditures	Core Shelter Operations	Prevention and awareness
Staff salaries and benefits	Yes	Yes
Professional development (including membership and conference fees)	Yes	Yes
Board/committee operations	Yes	Yes
Direct client costs	Yes	No
Operations, minor maintenance, upgrading and repairs of facilities	Yes	No
Overhead administration costs	Yes	Yes
Crisis Line	Yes	No
Staff travel and/or transportation	Yes	Yes
Off-hour emergency services	Yes	No
Costs for training forums, workshops, outreach, awareness (including instructional and information materials)	Yes	Yes
Recruitment costs	Yes	Yes
Professional/ Paraprofessional services	Yes	Yes
Legal services fees and costs	Yes	Yes
Insurance	Yes	No
Audits, monitoring, evaluation and policy development	Yes	Yes

In addition to the above eligible expenditures for FVPP, Provincial/Territorial Bills which include the actual costs of maintaining individuals or families ordinarily resident on reserve in some provincial or Yukon shelters, where service delivery arrangements currently exist according to provincial/territorial per diem rates and rules will be reimbursed.

7. Stacking Limits

The stacking limit is the maximum level of funding to a recipient from all sources (including federal, provincial/territorial, and/or municipal) for any one activity, initiative or project. The limit is 100 percent of eligible costs⁴.

⁴ The Children's Special Allowance is not used to fund child welfare services generally, and is not to be considered as a source of revenue by the program for stacking purposes

8. Method for Determining the Amount of Funding

FNCFS Agencies

Funding for prevention, protection, maintenance, legal services, child service purchase amounts, intake and investigations, building repairs, as well as for agency operations costs for small FNCFS agencies, is based on the actual needs of the children and families served by FNCFS agencies, as reflected by expenditures in these categories.

Community Well-being and Jurisdiction Initiatives

Funding for CWJI projects is determined at the regional level based on the specific needs, circumstances and goals of the community, as well as on the nature and duration of the activities described in the project proposal.

Family Violence Prevention Program

Based on established funding formula for shelter operations and provincial/territorial bills and proposals for prevention and awareness as outlined in the National Social Programs Manual. Contribution amounts are based on a national shelter funding formula. The formula calculates a core operating budget for each shelter based on the province of operation, size and geographical location using four expenditure factors: staff salaries and benefits; operational and administrative costs, and where applicable, funds to cover the costs associated with remoteness and emergency needs. Effective April 1, 2012 contribution amounts are based on strategic funding approaches to support project proposals subject to funding availability.

9. Maximum Amount Payable

The program's funding methodology is being reformed as per orders from the Canadian Human Rights Tribunal (CHRT). While the department has a temporary exception to item 8 of Appendix E of the Directive on Transfer Payments, from an operational perspective the maximum amount payable is currently considered to be the maximum amount of a given claim of actual eligible expenditures that meets the reasonableness requirements included in section 10 (Basis for Payment). Once the revised funding methodology has been established, or in three years (whichever is earlier), the Department will return to the Treasury Board with a maximum amount payable that adheres to the Policy on Transfer Payments.

FVPP Maximum Amounts Payable Per Recipient (000s):

Eligible Recipients	Core shelter operations	Prevention and awareness
Chiefs and Councils of First Nation bands	\$1,000	\$1,500
Tribal councils	\$1,000	\$1,500
FNCFS Agencies and Societies	\$1,000	\$1,500
First Nations authority, board, committee or other entity approved by Chiefs and Councils	\$1,000	\$1,500
Provinces/Territory	Negotiated Amount	N/A
Incorporated shelters	\$1,000	\$1,500
Aboriginal communities and organizations	N/A	\$1,500

10. Basis for Payment

Payments will be made in accordance with the type of funding arrangement, and will be guided by departmental policies as reflected in the contribution agreement. Where it is advantageous to the success of the activities, the Department shall offer fixed or flexible funding approaches for contributions to Indigenous recipients, in accordance with Appendix K of the *Directive on Transfer Payments*. Basic payment principles applicable to FNCFS and FVPP specify that:

- funds be used for eligible activities and cost categories as specified in the contribution agreement;
- costs charged to the program not exceed any maximums specified in the agreement;
- funds be used within the period and to address the needs for which they were provided; and,
- financial reporting requirements specified in the contribution agreement be met.

Notwithstanding the above, for FNCFS, costs for maintenance will continue to be reimbursed based on actual costs incurred. In addition, the Department will reimburse actual costs for the following expenses when agencies have not already received funding through another federal program (including another program of Indigenous Services Canada), or any provincial, territorial, or municipal government funding source for that activity:

- prevention;
- intake and investigations services;
- legal fees;
- building repairs;
- full eligible agency operations costs for small agencies; and,
- child service purchase costs.

The six areas above are those the Tribunal has ordered the program to pay on actuals. A detailed National Recipient Guide detailing how recipients may claim retroactive costs in these areas has been shared with recipients to support them in accessing funds as ordered by the Tribunal.

In this respect, the reasonableness of a particular cost will be established by determining whether the expense was:

- necessary to ensure substantive equality and the provision of culturally-appropriate services, given the distinct needs and circumstances of the individual child and his or her family, including their cultural, historical and geographical needs and circumstances, for instance, by taking into account any needs that stem from historical disadvantage and the lack of on-reserve and/or surrounding services;
- deemed by the recipient to be necessary for the best interest of the child;
- generally recognized as normal and necessary for the conduct of the activity; and,
- aligned with restraints and requirements of generally accepted accounting principles, arm's length bargaining, federal/provincial/local laws and regulations, and/or Certified Accountant terms.

Advance payments will be permitted, based on a forecast of cash flow provided by the recipient and supported by the Community Plan. Progress payments will be subject to periodic reports of activities and expenditures, as specified within the funding agreement, which will be reviewed and validated by the Department. Officials will ensure that all applicable requirements are met prior to processing a payment.

Holdback requirements, if applicable, will be determined based on risk assessment, and may be up to 20% of the total contribution.

Final payment will be contingent on the receipt by the Department of the final activity, performance and financial reports, as specified in the agreement.

Funding under the FNCFS and FVPP programs is targeted and cannot be used for any other purposes.

11. Application Requirements and Assessment Criteria

Before entering into a funding arrangement, (for either FNCFS or FVPP) ISC shall confirm its authorities to enter into an agreement with the recipient and to fund the proposed activities. The departmental review procedures for verifying eligibility, entitlement and application approval (including risk assessments) are detailed in relevant departmental program directives and procedures. As these terms and conditions are new as they relate to the FNCFS program (which includes the CWJI funding stream) specific requirements for this program include, but may not be limited to:

FNCFS Agencies or Societies, Other delegated/designated providers of child and family service providers, including provincially delegated/designated agencies and societies, Provinces and Yukon territory:

- Legal Entity's Name, Address and Telephone;
- Provincial delegation document/certification (Those wishing to only provide prevention services, are not required to have a delegation agreement in place);
- For Corporations: Incorporating Documents (Articles of Incorporation or Letters Patents), By-laws,
- Band Council Resolution for each community being represented/serviced;

- Disclosure of any involvement of former public servants who are subject to the *Conflict of Interest and Post-Employment Code for Public Office Holders* or the *Conflict of Interest and Post-Employment Code for the Public Service*; and,
- Multi-year Plan identifying community's needs, planned activities, performance measures and reporting requirements; along with evidence of consultation and collaboration with communities.
- **Communities (CWJI):** A mandate, as evidenced by a Band Council Resolution (BCR), or other formal mandate for initial agreements, upon renewal of agreements or for the addition of any new initiatives, as required by the program;
- A Multi-Year Community Plan that identifies the community's needs, defines its capacity to respond, and outlines its programs and services, performance measures and reporting requirements to address priorities; and,
- Evidence of demonstrated capacity in areas such as financial and administrative experience to deliver the programs and services.

12. Performance Measurement and Reporting

Performance Measurement

To ensure that a balanced approach is implemented and that the reporting burden is minimized, a reliable performance data collection, analysis and reporting methodology is being developed that will meet the respective needs of the recipients, the communities, the provinces/territories, and the Department. The methodology will be developed collaboratively with the parties to the Canadian Human Rights Tribunal complaint, the National Advisory Committee, and other partners as appropriate, including the provinces/Yukon. Funding recipients will be required to provide to the Department only the performance data required for mandatory reporting on program performance and achievement of program outcomes.

Until the methodology is finalized and implemented, data will continue to be collected by recipients using various methods and sources, and will meet requirements set out in the Reporting Guide⁵. Frequency of financial and performance reporting will be specified in the contribution agreement, but all recipients will be required to report at least annually on their Community Plan for Child and Family Services or CWJI project plan. Financial reviews will be conducted to ensure each recipient submits financial reports in accordance with its funding agreement specifications. An annual audited financial statement will be required in all cases.

Financial Reporting

Financial reporting requirements will be determined based on the recipient's circumstances and the type of funding agreement. Appropriate financial reporting obligations, including frequency, will be contained within each funding agreement.

⁵ This document may be found at: <http://www.aadnc-aandc.gc.ca/eng/1385559716700/1385559777677>

As per the Department's Management Control Framework, annual reviews will be undertaken to ascertain whether funds provided are being expended for the purposes intended, and whether a recipient's financial situation is sufficiently stable to enable continued delivery of funded activities. Where any instability is due to the Department's funding structures or levels of funding, the Department will take measures to mitigate and remediate these risks.

13. Official Languages

Where a program supports activities that may be delivered to members of either official language community, i.e., where there is significant demand, the recipient is required to provide access to services in both official languages. In addition, the Department will ensure that the design and the delivery of programs respect the obligations of the Government of Canada as set out in the *Official Languages Act*.

14. Redistribution of Contributions

Recipients may redistribute contributions, as per the terms of their funding agreements. Redistributions should be done in line with program objectives, eligibility criteria and eligible expenses. In doing so, however, recipients will not act as agents of the federal government. Where a recipient further distributes contribution funding to another service delivery organization (i.e., an authority, board, committee, or other entity authorized to act on behalf of the recipient), the recipient will remain liable to the Department for the performance of its obligations under the funding agreement. Neither the objectives of the programs and services nor the expectations of transparent, fair and substantively equivalent services will be compromised by any redistribution of contribution funding.

15. Other Terms and Conditions

Land-less Bands and Non-Reserve Communities

Subject to an annual review, the Department will maintain a list of land-less bands and non-reserve communities that are eligible to receive program funding, as contained in the FNCFS Program Guidelines.