Docket: T1340/7008

CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and ASSEMBLY OF FIRST NATIONS

Complainants

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

ATTORNEY GENERAL OF CANADA
(representing the Minister of Indigenous and Northern Affairs Canada)

Respondent

- and -

CHIEFS OF ONTARIO,
AMNESTY INTERNATIONAL CANADA and
NISHNAWBE ASKI NATION

Interested Parties

SUBMISSIONS IN RESPONSE TO CANADA'S MAY 10, 2016 AND MAY 24, 2016 COMPLIANCE REPORTS TO THE TRIBUNAL

JUNE 8, 2016

Anne Levesque
David P. Taylor

Sébastien Grammond, Ad.E. University of Ottawa
Sarah Clarke, Clarke Child & Family Law

JURISTES POWER | POWER LAW
Suite 1103 – 130 Albert Street
Ottawa, ON K1P 5G4

Counsel for the First Nations Child and Family Caring Society of Canada

Human rights legislation is intended to give rise, amongst other things, to individual rights of vital importance, rights capable of enforcement, in the final analysis, in a court of law. […] We should not search for ways and means to minimize those rights and to enfeeble their proper impact.[1]

1. In its January 26, 2016 decision, the Canadian Human Rights Tribunal (the "Tribunal") found that Canada has been knowingly discriminating against 163,000 First Nations children for nearly two decades. This finding of discrimination comes on the heels of Prime Minister Harper's 2008 apology for the wrongs Canada committed toward First Nations, Métis, and Inuit children who attended residential schools over the course of a century, demonstrating a long and tragic history of federal government conduct toward First Nations children and their families.[2] This finding of discrimination also comes on the heels of Prime Minister Trudeau's 2015 acceptance of the Final Report of the Truth and Reconciliation Commission ("TRC") and commitment to accept fully the federal government's responsibilities and failings by implementing all 94 of the TRC's Calls to Action, including equity and reform in child welfare and implementation of Jordan's Principle.

2. The discrimination identified by the Tribunal is widespread, ongoing and systemic. It affects one of the most vulnerable groups in society – children.

3. Since the Tribunal's decision was rendered, Canada has repeatedly asked to be left to its own devices, saying that it is working to improve its FNCFS Program and that it is open to "discussing" issues related to its long history of discrimination against children. When pressed regarding the lack of sufficiency of the immediate relief measures contained in Budget 2016, Canada relies on an alleged and unsubstantiated need for all FNCFS Agencies to recruit staff and expand prevention programming.[3] Put simply, in its May 10, 2016 and May 16, 2016 compliance reports to the Tribunal, Canada failed to demonstrate that it has taken the immediate steps necessary to demonstrate that the child welfare services received by First Nations children living on-reserve are even remotely formally equivalent to those received by all other children in Canada.[4]

4. Systemic discrimination cannot be remedied with good intentions, vague promises, or a piece-meal approach to compliance with the Tribunal's orders. Likewise, the Tribunal's April 26, 2016 reporting order did not call for general updates from Canada regarding policy changes in the FNCFS Program or Canada's general intentions to "discuss" a variety of subjects.

5. Canada has been ordered to demonstrate that it is complying with the Tribunal's legally binding decision and ought to show that it has immediately taken all of the necessary steps to begin

---

[1] *CN v Canada (Canadian Human Rights Commission)*, [1987] 1 SCR 1114 at 1134.

[2] Canadian Human Rights Commission Book of Documents, Vol 3, Tab 10, the Rt. Hon. Stephen Harper on behalf of the Government of Canada: Statement of Apology to former students of Indian Residential Schools, June 11, 2008.

[3] Canada's April 6, 2016 submissions regarding remedy at para 5.

[4] As stressed in its submissions of February 18, 2016 and March 31, 2016, the Caring Society requests that immediate relief be ordered by the Tribunal in order to lessen the impact of Canada's discriminatory child welfare services on First Nations children. These remedies aim to reduce the funding gaps identified by the Tribunal in its decision and make Canada's FNCFS Program more comparable to services available to other children. However, the Caring Society reiterates that these immediate remedies will not ensure formal or substantive equality for First Nations children in the context of child welfare services.

addressing the findings of discrimination made by the Tribunal. Canada's compliance reports must satisfy the Tribunal that this is the case. Short of that, Canada is engaging in unlawful discriminatory conduct toward children and further orders must be issued so that Canada's unlawful conduct ceases immediately.

6. In light of Canada's ongoing failure to demonstrate that it has taken all of the immediate steps necessary to reduce the funding gaps identified in its FNCFS Program and fully and properly implement Jordan's Principle, the Tribunal ought to make specific and immediate orders against Canada to lessen the impact of the discriminatory services it provides to First Nations children and their families until medium- and long-term remedies can be achieved. Change for children cannot wait five years, as Canada proposes to do in Budget 2016, particularly as Canada has provided no answer as to what children and families are supposed to do in the meantime.

7. Canada's compliance reports are insufficient to displace the Tribunal's observation in its April 26, 2016 ruling that "it is still unclear why or how some of the findings above cannot or have not been addressed within the three months since the *Decision*. Instead of being immediate relief, some of these items may now become mid-term relief."[5] By the time of the June 23, 2016 case conference, nearly five months will have passed since the Tribunal's January 26, 2016 decision. The Caring Society reiterates its requests that orders of <u>immediate</u> relief be made in precise terms.[6]

I. The onus on Canada at the compliance report stage

8. This complaint has reached the remedies stage. As the Tribunal noted in its May 5, 2016 decision regarding the Nishnawbe Aski Nation's motion for Interested Party status:

> The hearing of the merits of the complaint is completed and any further evidence on those issues is now closed. The Panel's role at this stage of the proceedings is to craft an order that addresses the particular circumstances of the case and the findings already made in the *Decision*. The Tribunal's remedial clarification and implementation process is not to be confused with a commission of inquiry or a forum for consultation with any and all interested parties.[7]

9. This stage of the complaint rests on the findings already made by the Tribunal that Canada's approach to providing child and family services to First Nations children living on-reserve and failure to properly implement Jordan's Principle is discriminatory, contrary to section 5 of the *Canadian Human Rights Act*. At this stage of the complaint, given the historic failure of Canada to redress grave discrimination in the FNCFS Program despite multiple clear warnings of the reality on the ground, the process must presume that the breach continues.

10. The Tribunal's substantiation of the complaint relieves the complainants from any ongoing burden to prove discrimination. To hold otherwise would amount to retrying a case that has already been proven. The onus is squarely on Canada to prove that it is sufficiently addressing the discrimination in its implementation of Jordan's Principle and its FNCFS Program.

---

[5] *FNCFCSC et al v AGC*, 2016 CHRT 10 at para. 21.
[6] See Caring Society submissions to the CHRT dated February 18, 2016.
[7] *FNCFCSC et al v AGC*, 2016 CHRT 11 at para 14.

11. Canada's responsibility to prove it is remedying past discrimination is consistent with the Supreme Court of Canada's approach to systemic remedies in the human rights system, first laid out in *CN v Canada (Canadian Human Rights Commission)* in the context of employment equity:

> When confronted with such a case of "systemic discrimination", it may be that the type of order issued by the Tribunal is the only means by which the purpose of the *Canadian Human Rights Act* can be met. In any program [to address systemic discrimination], there cannot be a radical dissociation of "remedy" and "prevention". Indeed there is no prevention without some form of remedy.[8]

12. Chief Justice Dickson, speaking for the Court, went on to highlight three hallmarks of a successful remedial scheme for addressing systemic discrimination:

a. The remedy will counter the cumulative effects of systemic discrimination, rendering further discrimination pointless (such that prescriptive standards ensure that equality prevails in the face of any residual discriminatory intent);

b. The remedy will address the attitudinal problem of stereotyping (such that it becomes more difficult to ascribe characteristics to individuals by reference to the stereotypical characteristics ascribed to all members of that individual's group); and

c. The remedy will increase the chances for self-correction in the system.[9]

13. Above all else, as Chief Justice Dickson held, "it is readily apparent that, in attempting to combat systemic discrimination, it is essential to look to the past patterns of discrimination and to destroy those patterns in order to prevent the same type of discrimination in the future."[10]

II. Canada's May 24, 2016 compliance report is not responsive to the Tribunal's April 26, 2016 order

14. In its April 26, 2016 order, the Tribunal required Canada to report its progress in redressing the following 11 specific findings from its January 26, 2016 decision on the merits of the Complaint:

a. Directive 20-1 has a number of shortcomings and creates incentives to remove children from their homes and communities (para 384);

b. Directive 20-1 makes assumptions based on population thresholds and children in care to fund the operations budgets of FNCFS Agencies (para 384);

c. Whereas operations budgets are fixed, maintenance budgets for taking children into care are reimbursable at cost (para 384);

d. For small agencies, the population thresholds of Directive 20-1 significantly reduce their operations budgets, affecting their ability to provide effective programming, to respond to emergencies, and for some, put them in jeopardy of closing (para 384);

---

[8] *CN v Canada (Canadian Human Rights Commission)*, [1987] 1 SCR 1114 at 1141-1142.
[9] *CN v Canada (Canadian Human Rights Commission)*, [1987] 1 SCR 1114 at 1144.
[10] *CN v Canada (Canadian Human Rights Commission)*, [1987] 1 SCR 1114 at 1145.

e. Directive 20-1 has not been significantly updated since the mid-1990's resulting in underfunding for FNCFS Agencies and inequities for First Nations children and families on reserves and in the Yukon (para 385);

f. Directive 20-1 is not in line with current provincial child welfare legislation and standards promoting prevention and least disruptive measures for children and families. As a result, many First Nations children and their families are denied an equitable opportunity to remain with their families or to be reunited in a timely manner (para 385);

g. AANDC incorporated some of the same shortcomings of Directive 20-1 into the EPFA, such as the assumptions about children in care and population levels, along with the fixed streams of funding for operations and prevention (para 386);

h. EPFA has not been consistently updated in an effort to keep it current with the child welfare legislation and practices of the applicable provinces and once EPFA is implemented, no adjustments to funding for inflation/cost of living or for changing service standards are applied to help address increased costs over time and to ensure that prevention-based investments more closely match the full continuum of child welfare services provided off reserve (para 387);

i. The FNCFS Program funding authorities are not based on provincial/territorial legislation or service standards (para 388); and

Given that the current funding structure for the FNCFS Program is not adapted to provincial/territorial legislation and standards, it often creates funding deficiencies for such items 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 (para 389).

15. Canada's May 24, 2016 compliance report leaves a number of questions open with regard to the actual progress being made to redress each of the 11 findings noted above. Indeed, Canada's responses in "Part 2" of its May 24, 2016 compliance report to certain of the Caring Society's submissions suggests that Canada refuses to begin addressing a number of the 11 findings on which the Tribunal ordered it "immediately take measures to address".[11]

16. Of particular concern is the fact that Annex B to Canada's May 26, 2016 compliance report notes that a number of funding levels will be provided "at full implementation", and the "new investments" identified at paragraph 6(a) (upward adjustment for FNCFS Agencies with over 6% of children in care), paragraph 6(f) (increased investments to service purchase per child), and paragraph 6(g) (additional funding for intake and investigation services), are identified as being provided "over the next five years".[12]

[11] *FNCFCSC et al v AGC*, 2016 CHRT 10 at para 23.
[12] Canada's May 24, 2016 Compliance Report at paras 6(a), 6(f), and 6(g) and at Annex B at pp 2, 13, 20, 23, 33, and 38.

17. It is unclear when exactly "full implementation" will be reached or when "over the next five years" these measures will come into effect. To the extent any amount identified as "immediate relief" is not implemented in the 2016/2017 fiscal year, it cannot be interpreted as immediate relief.

A. Directive 20-1 has a number of shortcomings and creates incentives to remove children from their homes and communities (para 384)

18. In its January 26, 2016 decision, the Tribunal found that "[INAC's] funding formulas provide an incentive to remove children from their homes as a first resort rather than a last resort. For some FNCFS Agencies, especially those under Directive 20-1, their level of funding makes it difficult if not impossible to provide prevention and least disruptive measures."[13]

19. The true measure of the impact of Canada's immediate relief measures is the extent to which the incentive to remove First Nations children from their homes has been reduced. Indeed, the Tribunal's January 26, 2016 and April 26, 2016 orders were not directed at the name of a program, but at that program's discriminatory effect on First Nations children living on-reserve. Parties found responsible for discrimination should not be allowed to shield themselves from taking action to remedy discrimination by declaring discriminatory program extinct or by renaming the discriminatory program or approach. Canada's compliance report is bereft of assurances that the perverse incentives identified in the Tribunal's January 26, 2016 decision will be reduced.

20. In its report, Canada states that it is investing over $17.5 million in funding prevention services and programs in British Columbia, New Brunswick, the Yukon and Newfoundland and Labrador. While Canada submits that this approach ensures that "FNCFS service providers will have access to funding for prevention programs and services", it fails to show whether or how this funding is sufficient to close the funding gap identified in its own documents.

21. By way of example, in 2012, one of Canada's documents (the *Way Forward* presentation) identified that $38 million (in 2012 dollar value) was needed for British Columbia, the Yukon, Ontario, New Brunswick, and Newfoundland and Labrador to move towards the flawed version of EPFA, which did not correct deficiencies identified by INAC in "Option 2" of the same document.[14] Yet, Canada has allocated only $17.67 million (in 2016 dollar value) in additional funding to service providers in these five jurisdictions this year. This is a mere 47% of the least generous option identified in 2012.

22. While New Brunswick will receive roughly the amount identified in "Option 1" and Ontario will receive more than the amount identified in "Option 1", the other three jurisdictions will receive far less (British Columbia: less than 26% of the "Option 1" amount; Yukon: less than 46% of the "Option 1" amount; and Newfoundland and Labrador: less than 50% of the "Option 1" amount).

23. In the particular context of British Columbia, what Canada claims to be its immediate relief to First Nations children still allows for a funding gap of over $15.7 million this year, assessed

---

[13] *FNCFCSC et al v AGC*, 2016 CHRT 2 at para 344.

[14] Canadian Human Rights Commission Book of Documents, Volume 12, Tab 248, AANDC Presentation to Françoise Ducros – The Way Forward (August 29, 2012). We note that this amount does not fix flaws in EPFA such as lack of investigation and legal funding for children in care nor does it account for the historical disadvantage and greater needs of children and families.

against the least generous standard in the *Way Forward* presentation. According to Annex B, by "Year 4", Canada will only allocate $13.4 million to British Columbia, $7.6 million less than, or one third short of, the amount noted in "Option 1" of the *Way Forward* presentation. Canada also provides no indication as to when the $21 million value identified in "Option 1", as deficient as it is, would be achieved. Thus, Canada's proposed immediate relief perpetuates discrimination against the 17,274 First Nations children living on-reserve in British Columbia.

24. Canada provides no explanation for this discrepancy, nor does it present any compelling argument or assurance that this action, which falls far short of that which was called for in 2012, will address the incentives that existed in Directive 20-1 and that favour the removal of First Nations children from their families. Bridging the gap with dollars that can be applied to services for First Nations children in need is something that this government can do immediately.

B. Directive 20-1 makes assumptions based on population thresholds and children in care to fund the operations budgets of FNCFS Agencies (para 384)

25. With regard to Directive 20-1, the Caring Society is encouraged by Canada's costing documents in Annex B, which note that the 6% assumption was displaced in costing models for British Columbia, New Brunswick, the Yukon, and Newfoundland and Labrador where the children in care count for either 2013/14 or 2014/15 was above the 6% threshold.[15]

26. However, the Caring Society notes with concern that there appears to be no upwards adjustments for agencies serving above 20% of families in need.

27. Unlike the submission for Alberta and Quebec,[16] where Canada specifically notes the number of FNCFS Agencies receiving additional funding "so that funding could be provided based [on] actual children in care counts", there is no specific reference to the number of FNCFS Agencies receiving additional funding to reflect actual children in care counts in the information Canada provides regarding Directive 20-1 jurisdictions.

28. With specific regard for Newfoundland and Labrador, Annex B of Canada's May 24, 2016 compliance report notes that $1.3 million in additional funding will be provided "at full implementation".[17] It is unclear whether "full implementation" includes funds provided in fiscal year 2016-2017.

C. Whereas operations budgets are fixed, maintenance budgets for taking children into care are reimbursable at cost (para 384)

29. As addressed below, there is no indication that the funding increases Canada proposes will lead to operations budgets approximating actual costs, while maintenance budgets for taking children into care will continue to be reimbursable at cost.

---

[15] Canada's May 24, 2016 Compliance Report at Annex B at pp 12 (British Columbia), 19 (New Brunswick), 22 (Newfoundland and Labrador), and 45 (Yukon).
[16] Canada's May 24, 2016 Compliance Report at Annex B at pp 2 (Alberta), 33 (Quebec)
[17] Canada's May 24, 2016 Compliance Report at Annex B at p 20.

D. For small agencies, the population thresholds of Directive 20-1 significantly reduce their operations budgets, affecting their ability to provide effective programming, to respond to emergencies, and for some, put them in jeopardy of closing (para 384)

30. Canada refuses to engage on the issue of small agencies, stating that "future approaches to funding small agencies will be part of the longer term engagement and work on reforming child and family services."[18]

31. Further, Annex B to Canada's May 24, 2016 compliance report indicates that "FNCFS Agencies with less than 800 children in care are still subject to scaling with respect to their Core Funding only."[19] The scaling matrices applied to core funding for FNCFS Agencies in British Columbia, Newfoundland and Labrador, Prince Edward Island, Quebec, and Saskatchewan are identified in Annex B.[20]

32. With respect, this response is unacceptable in light of the Tribunal's April 26, 2016 order that Canada "immediately take measures to address the items underlined […] from the findings in the *Decision*."[21] Canada was not given the option of deferring the problems caused by population thresholds in Directive 20-1 Agencies. The Tribunal ought to make a further, more specific order requiring Canada to take direct action to preserve the ability of small agencies to provide effective programming and respond to emergencies.

E. Directive 20-1 has not been significantly updated since the mid-1990's resulting in underfunding for FNCFS Agencies and inequities for First Nations children and families on reserves and in the Yukon (para 385)

33. Recalling that Directive 20-1 provides the least amount of funding of all four INAC funding approaches (Directive 20-1, EPFA, the 1965 Agreement in Ontario and various funding arrangements with provinces/territories and non-Aboriginal service providers), the Caring Society expected to see the largest funding allocations to relieve discrimination being provided to Directive 20-1 regions (British Columbia, Newfoundland and Labrador, New Brunswick, and the Yukon). However, this does not appear to be the case.

34. As the Tribunal highlighted in its January 26, 2016 decision, "*Wen:De Report Two* estimate[d] the loss of funds due to inflation for the operations portion of Directive 20-1 from 1999 to 2005 to be $112 million."[22] Canada's immediate relief measures do not come close to restoring this gap, nor do they account for the compounded inflation losses accrued from 2006-2016, even taking into account updates made to jurisdictions that transitioned to EPFA.[23]

---

[18] Canada's May 24, 2016 Compliance Report at para 23.
[19] Canada's May 24, 2016 Compliance Report at Annex B at pp 6-7.
[20] Canada's May 24, 2016 Compliance Report at Annex B at p 12 (British Columbia), 22 (Newfoundland and Labrador), 32 (Prince Edward Island), 37 (Quebec), and 42 (Saskatchewan)
[21] *FNCFCSC et al v AGC*, 2016 CHRT 10 at para 23.
[22] *FNCFCSC et al v AGC*, 2016 CHRT 2 at para 164.
[23] According to the Bank of Canada's online inflation calculator, the change in the value of money related to inflation from 2006 to 2016 is 17.49%. See: http://www.bankofcanada.ca/rates/related/inflation-calculator/.

35. While the Caring Society welcomes the provision of an annual adjustment to address growth and future cost drivers,[24] it must be recognized that Canada fails to detail how much it is allocating for each "growth and future cost driver" factor, nor does it clearly detail how it arrived at corresponding allocations.

36. Moreover, not all of the future cost drivers identified are linked to inflation (for instance the ratio of children in care). Indeed, some of these cost drivers are linked to increased costs given the FNCFS Program's legacy of discrimination (for instance, child maintenance costs) and still others are due to factors such as population growth. In any event, the annual adjustment for growth and future cost drivers does nothing to address the delays caused by the systemic disadvantage perpetuated by a lack of inflation adjustments over the last two decades.

F. Directive 20-1 is not in line with current provincial child welfare legislation and standards promoting prevention and least disruptive measures for children and families. As a result, many First Nations children and their families are denied an equitable opportunity to remain with their families or to be reunited in a timely manner (para 385)

37. In its January 26, 2016 decision, the Tribunal found that:

> [t]here is a focus on service levels and the needs of children and families off reserve, namely an emphasis on least disruptive/intrusive measures. On the other hand, under the federal FNCFS Program, there is a focus on funding levels and the application of funding formulas, where funds for prevention/least disruptive measures are fixed and funds to bring a child into care are covered at cost.[25]

38. Canada's May 24, 2016 compliance report touts an "investment" of $17.5 million in funding for prevention services and programs in British Columbia, New Brunswick, the Yukon, Newfoundland and Labrador, and Ontario as immediate relief.[26] However, Canada does not demonstrate how this investment was calculated or how it meets the test of relieving discrimination against children and families to a level where child removals are no longer incentivized by the program. The focus appears to remain on funding levels and the application of funding formulas to service levels, and not on the needs of children and families.

39. As Canada's submissions make clear, INAC will continue to reimburse all eligible maintenance expenditures.[27] By providing a fixed funding envelope for prevention services and programs in British Columbia, New Brunswick, the Yukon, Newfoundland and Labrador, and Ontario falls far short of the $108.1 million measure (in 2012 dollar value) detailed in Canada's 2012 *Way Forward* presentation, thousands of First Nations children will continue to be denied an equitable opportunity to remain with their families or to be reunited in a timely manner.

---

[24] Canada's May 24, 2016 Compliance Report at para 7.
[25] *FNCFCSC et al v AGC*, 2016 CHRT 2 at para 341.
[26] Canada's May 24, 2016 Compliance Report at para 10.
[27] Canada's May 24, 2016 Compliance Report at para 22.

G. AANDC incorporated some of the same shortcomings of Directive 20-1 into the EPFA, such as the assumptions about children in care and population levels, along with the fixed streams of funding for operations and prevention (para 386)

40. With regard to the EPFA, the Caring Society is encouraged by Canada's costing documents in Annex B, which note that the 6% assumption was displaced for Alberta, Saskatchewan, Quebec, Nova Scotia, and Prince Edward Island, where the children in care count for either 2013/14 or 2014/15 was above the 6% threshold.[28]

41. In the case of Manitoba's 7% threshold, where it appears a lump sum of $5,000,000 was allocated to four agencies,[29] it is unclear the extent to which the actual percentage of children in care are being funded. Further, the amounts noted for population increases, staff salaries to ensure comparability, and the service purchase per child are noted as being provided "at full implementation."[30] It is unclear whether "full implementation" includes funds provided in fiscal year 2016-2017.

42. Much as was the case for Newfoundland and Labrador under Directive 20-1, Annex B of Canada's May 24, 2016 compliance report notes the amounts identified for Quebec and Saskatchewan FNCFS Agencies with over 6% children in care will be provided "at full implementation".[31] It is unclear whether "full implementation" includes funds provided in fiscal year 2016-2017.

43. With regard to supplemental funding for intake and assessment investigation, Annex B to Canada's May 24, 2016 compliance report only notes funding levels for Alberta, Quebec, and Nova Scotia that will be provided "at full implementation."[32] It is unclear whether this includes funds provided in fiscal year 2016-2017.

H. EPFA has not been consistently updated in an effort to keep it current with the child welfare legislation and practices of the applicable provinces. Once EPFA is implemented, no adjustments to funding for inflation/cost of living or for changing service standards are applied to help address increased costs over time and to ensure that prevention-based investments more closely match the full continuum of child welfare services provided off-reserve (para 387)

44. Canada notes that it has made some adjustments to staff salaries to approach comparability with provincial rates. However, there is a lack of detail as to which steps, if any, have been taken to ensure comparability of staff benefit packages to provincial rates. The Caring Society notes the adjustments to salaries made in Alberta, Nova Scotia, Prince Edward Island, and Quebec. However, no adjustments have been made to salaries in Manitoba for middle management, supervisors, support staff, resource/development coordinators, placement workers, foster care training and recruitment workers, case managers (child intervention), or family enhancement workers.[33]

---

[28] Canada's May 24, 2016 Compliance Report at Annex B at pp 6 (Alberta), 26 (Nova Scotia), 32 (Prince Edward Island), 37 (Quebec), and 42 (Saskatchewan).
[29] Canada's May 24, 2016 Compliance Report at Annex B at p 13.
[30] Canada's May 24, 2016 Compliance Report at Annex B at p 13.
[31] Canada's May 24, 2016 Compliance Report at Annex B at pp 33 (Quebec) and 38 (Saskatchewan).
[32] Canada's May 24, 2016 Compliance Report at Annex B at p 2 (Alberta), 23 (Nova Scotia), and 33 (Quebec).
[33] Canada's May 24, 2016 Compliance Report at Annex B at pp 13-14.

45. Canada notes that it has made updates to the EPFA formula to reflect some changes in provincial standards (such as caseload ratios for social workers or other front line workers) and to provide some support intake and investigation services. However, as noted above, amounts to support intake and investigation will only be provided at "full implementation", even though the vast majority of FNCFS Agencies are fully delegated and thus required by the provincial and territorial statutes to provide intake and investigation services now.

46. It is also important to recall that the vast majority of FNCFS Agencies have been providing intake and investigation services over their entire period of operation (many between 20-30 years) without any compensation from Canada.

47. Regarding the issue of caseload ratios, while the Alberta (1:20), Nova Scotia (1:15), Prince Edward Island (1:20), and Saskatchewan (1:20 to 1:30) costing information specifically notes that staffing ratios are based on provincial information,[34] this is not the case for Quebec (1:40),[35] and there is no caseload ratio specified for Manitoba.[36]

48. Canada notes that it has made updates to service delivery standards in the EPFA formula. Canada states that it has increased the percentage used to calculate off-hour emergency services and that it has increased funding for staff travel. However, Canada fails to note how it arrived at these values and does not provide details regarding how it determined that these funding levels were sufficient for immediate relief.[37]

49. It is also unclear why the off-hour emergency services percentage remains at 5% in Manitoba[38] and has been increased to only 7.5% in Alberta,[39] while it has been increased to 10% in Nova Scotia, Prince Edward Island, Quebec, and Saskatchewan.[40]

50. With regard to travel, the amount of the increase is only 10% in Alberta,[41] and 15% in Manitoba, Nova Scotia, Prince Edward Island, Quebec, and Saskatchewan.[42]

51. Canada notes that it has increased funding for agency audits, insurance, and legal services.[43] The Caring Society welcomes the increases made to these items in some provinces, but notes that

[34] Canada's May 24, 2016 Compliance Report at Annex B at pp 6 (Alberta), 26 (Nova Scotia), 32 (Prince Edward Island), and 42 (Saskatchewan).
[35] Canada's May 24, 2016 Compliance Report at Annex B at p 37.
[36] Canada's May 24, 2016 Compliance Report at Annex B at p 16.
[37] Canada's May 24, 2016 Compliance Report at para 13(e).
[38] Canada's May 24, 2016 Compliance Report at Annex B at p 14.
[39] Canada's May 24, 2016 Compliance Report at Annex B at p 2.
[40] Canada's May 24, 2016 Compliance Report at Annex B at pp 23 (Nova Scotia), 20 (Prince Edward Island), 33 (Quebec), and 38 (Saskatchewan).
[41] Canada's May 24, 2016 Compliance Report at Annex B at p 2.
[42] Canada's May 24, 2016 Compliance Report at Annex B at pp 13 (Manitoba), 23 (Nova Scotia), 29 (Prince Edward Island), 33 (Quebec) and 38 (Saskatchewan).
[43] Canada's May 24, 2016 Compliance Report at Annex B at para 13(f).

no increases have been made to corporate legal services for Manitoba. Again, the data and calculations used to arrive at the amount of the adjustment to these items is absent.[44]

I. The FNCFS Program funding authorities are not based on provincial/territorial legislation or service standards (para 388)

Given that the current funding structure for the FNCFS Program is not adapted to provincial/territorial legislation and standards, there are often funding deficiencies for such items 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 (para 389)

52. With regard to the Tribunal's highlighted findings in paragraphs 388 and 389 of its January 26, 2016 decision, Canada asserts that the most it can do is to address prevention services, salaries and benefits, training, growth and cost drivers, legal costs, insurance premiums, and travel.[45] As outlined above, the Caring Society acknowledges that Canada has made some progress, though much remains to be done to provide immediate relief.

53. The Caring Society does not understand why cost of living, remoteness, multiple offices, culturally appropriate programs and services, band representatives and least disruptive measures cannot also be addressed by Canada at this stage. Once again, Canada ignores the Tribunal's April 26, 2016 order to take immediate action, instead calling upon engagement with the provinces and the need for discussion in the course of long-term reform. As the context surrounding Jordan's Principle makes clear, Canada cannot shield itself from providing non-discriminatory services by invoking a need to have discussions with other governments. There are actions that Canada can take now to alleviate discrimination that fall entirely within its jurisdiction and do not depend on corresponding provincial action.

54. To the extent that provinces have set a higher standard than Canada, Canada can simply adopt, and adequately fund, the provincial standard. Indeed, the work done by Canada in Annex B, particularly regarding salaries and caseload ratios, is indicative that engagement and discussion with First Nations, front-line service agencies and provincial/territorial government is no obstacle to bringing a measure of alignment with provincial/territorial legislation and standards. Immediate relief flowing from the Tribunal's January 26, 2016 decision does not imply any need for provincial policies or standards to change.

55. Indeed, rather than claim an inability to take any action in these areas, Canada should simply complete the work it has already started with regard to salaries and caseload ratios by bringing its existing policies into line with those of the provinces/territories to provide immediate relief, with a more systemic update based on the true needs and circumstances of the various First Nations communities involved to follow during the medium- and long-term reform process.

[44] Canada's May 24, 2016 Compliance Report at Annex B at pp 13-14.
[45] Canada's May 24, 2016 Compliance Report at para 14.

III. General response regarding Canada's insufficient immediate investment to FNCFS Program funding

56. Canada reports that it intends to increase its projected funding to the FNCFS Program over the course of the next five years. While Canada claims that an additional $71.1 million will be allocated in 2016-2017, only $60.38 million of this amount will be provided to FNCFS Agencies, provinces, and non-Aboriginal service providers. [46] In other words, not all of the actual 'immediate investment' will be put towards lessening the impact of Canada's discriminatory on-reserve child welfare services. This is insufficient in addressing the funding gaps in a meaningful way, particularly recalling that Canada's own documents demonstrated that a minimum of $108.1 million was required in 2012.[47] Additionally, there is no funding identified in Budget 2016 to respond to Jordan's Principle cases.

57. While Canada has provided the funding models that have generated its Budget 2016 figures, Canada has failed to provide the raw data upon which it has relied to calculate these funding increases, despite being ordered to do so by the Tribunal.[48] For example, Canada provides no data or calculations to support its figure of $175 in the service purchase per child amount, no data legitimizing its figures for agency transportation, and no data or research supporting its plan to withhold full funding levels for five years, as planned in Budget 2016 (with over 50% of funding coming in the last two years), due to an alleged and unsubstantiated need for all FNCFS Agencies to recruit staff and expand prevention programming.[49]

58. Indeed, Canada appears to suggest that its incremental approach to remedying discrimination against First Nations children living on-reserve (which provides funding allocations in increments that reserve over 50% of funding until the year of the next federal election and the year following) is legitimized because FNCFS Agencies are somehow not ready to receive non-discriminatory funding.

59. This assertion is troubling for at least three reasons. First, by making this assertion, Canada presumes, without any supporting data, that **all** of the First Nations Child and Family Service Agencies operating in Canada (many of which have been operating for at least 20-30 years) lack capacity to fully implement immediate relief measures. Second, Canada has afforded to itself a right to dictate the rate at which immediate reform takes place by setting out predetermined, fixed budget amounts without consultation with First Nations and FNCFS Agencies and has limited discussions to these pre-established amounts, as reflected by Canada's submissions to the Tribunal at the immediate relief stage. Third, Canada is trying to shield itself from ensuring non-discrimination by suggesting that those who are victimized by the discrimination are somehow responsible for the slow pace of change.

60. The Tribunal's January 26, 2016 decision highlights multiple instances of Canada's lack of capacity to take adequate measures to remedy known shortfalls in its FNCFS Program over many years. Despite this, Canada refuses to take immediate action on its own staff's training and capacity,

---

[46] Canada's May 24, 2016 compliance report at Annex C.
[47] Canadian Human Rights Commission Book of Documents, Volume 12, Tab 248, AANDC Presentation to Françoise Ducros – The Way Forward (August 29, 2012).
[48] *FNCFCSC et al v AGC*, 2016 CHRT 10 at para 23
[49] Canada's April 6, 2016 submission at para 4.

and is only willing to discuss such training with the complainants whilst it enforces a regime of ongoing incremental discrimination by presuming First Nations lack capacity.

61. Canada provides no details as to how it arrived at the financial projections for fiscal years 2017-2018 to 2020-2021, nor does it provide any assurances as to how secure funding is over the five-year cycle given that the next federal election will be held in fiscal year 2019-2020. Canada should again be ordered to produce these detailed data and supporting calculations.

62. Moreover, Canada's May 24, 2016 compliance report does not address whether its immediate investment will be sufficient to address the most egregious effects of the discrimination identified by the Tribunal in order to ensure that First Nations children receive, at the very least, child welfare services that are comparable to those available to other Canadians. Given that Canada has not shown that its current and projected investments will ensure comparability, even five years from now, the Caring Society submits that Canada must be ordered to immediately fund its FNCFS Program in accordance with the formulae and policy adjustments identified by the Caring Society, pending longer-term reform.[50]

63. Canada inappropriately includes growth in maintenance costs and costs for INAC operations in its immediate relief proposals. Growth in maintenance costs are a predictable and regular cost to INAC, and are related to Canada's past failure to address its discriminatory provision of First Nations child and family services, which, as the Panel has observed, "incentivizes" children coming into care. Canada should not be able to shield itself from its obligations to provide immediate relief by re-casting maintenance costs and costs related to INAC operations for "outreach, engagement and effective allocation of funding to service providers" as immediate relief to children from its past history of discriminatory conduct.

64. Recalling Canada's pattern of expanding the range of items alleged to be covered under the operations formula in Directive 20-1 without increasing the amount of funding available for operations, Canada's change of wording in the preamble of a bulleted list of items covered by the $71.1 million in Budget 2016 from "will include" in its April 6, 2016 compliance report (para 6) to "including but not limited to" in paragraph 6 of its May 24, 2016 compliance report is concerning. The Caring Society requests that Canada clarify that immediate relief funds shall be used strictly for the purposes listed in the submissions and that additional and non-discriminatory funding shall be allocated for costs not enumerated on the list.

65. The Caring Society also notes an addition error in Annex A regarding calculations for MOTTCFS under the Alberta region, which are also reflected in the regional total. According to Annex A, the total spending in the Alberta region goes from $129.8 million in 2014-2015 to $166.3 million in 2015-2016. This appears to be related to an error in the total for MOTTCFS which increases from $6.6 million in 2014-2015 to $42.8 million in 2015-2016. The $42.8 million figure must be an error, as the individual cost items that INAC relies upon to arrive at that value only total $5.8 million for 2015-2016, or a reduction of $800,000 from the prior year. Correcting for the error in the MOTTCFS calculations means that the total for Alberta in 2015-2016 is $166.3 million, representing a decrease of approximately $500,000 from the prior year.

[50] Caring Society's February 18, 2016 submissions at Schedule A at para 6.

66. With particular regard to Canada's immediate relief actions concerning Ontario, the Caring Society supports the Chiefs of Ontario's submissions.

IV. The inadequacy of Canada's response to the Caring Society's immediate relief proposals

67. The Caring Society has a number of concerns regarding the adequacy of Canada's responses to the Caring Society's proposals for "practical, meaningful, and effective" measures of immediate relief.

68. In the interest of efficiency, concerns and further relief requested with regard to immediate relief already ordered have been compiled in a chart appended to this submission as **Appendix "A"**. Concerns regarding Canada's responses to the Caring Society's requested measures of immediate relief and further relief requested have been compiled in a chart appended to this submission as **Appendix "B"**.

V. Inadequacies in Canada's May 10, 2016 submissions on Jordan's Principle

69. Canada's May 10, 2016 report regarding Jordan's Principle is vague and do not ensure that First Nations children will no longer experience discrimination as a result of jurisdictional disputes.

70. Canada has failed to take the steps necessary to address the discrimination identified by the Tribunal related to jurisdictional disputes in the following ways:

a) The Tribunal's April 26, 2016 order requires the federal government to ensure that "the government organization that is first contacted should pay for the service without the need for policy review or case conferencing before funding is provided"[51]. The preamble to Canada's May 10, 2016 submission acknowledges this requirement, but the balance of the submission includes no action on how this has been complied with. The Caring Society asks that Canada be required to provide details as to what action INAC has taken to comply with the "government of first contact" provision in the CHRT order.

b) The Tribunal's April 26, 2016 order requires INAC to include all jurisdictional disputes in its application of Jordan's Principle. Canada's May 10, 2016 report simply says disputes within the federal government are now included, but does not specifically say the federal government is now applying Jordan's Principle to all jurisdictional disputes. The Caring Society asks that Canada be required to confirm that INAC is applying Jordan's Principle to all jurisdictional disputes.

c) The Tribunal's April 26, 2016 order requires the federal government to apply Jordan's Principle to all children. Canada's May 10, 2016 report says the multiple disabilities and multiple service provider restriction will no longer be applied, but does not specifically confirm that Jordan's Principle will apply it to all children. The Caring Society asks that Canada be required to confirm that INAC is applying Jordan's Principle to all First Nations children.

d) The Tribunal's January 26, 2016 order requires that First Nations children receive services without delay. Canada's May 10, 2016 report explains case conferencing will no longer be used, but does not specifically say the federal government will provide the service without

[51] *FNCFCSC et al v AGC*, 2016 CHRT 10 at para 33.

delay. Rather, Canada's May 10, 2016 report says that cases will be "managed" in ways that result in "timely" receipt of services The Caring Society asks that Canada be required to clarify what process will be followed to manage Jordan's Principle cases, how urgent cases will be addressed, and what accountability and transparency measures have been built into that process to ensure compliance with the CHRT's April 26, 2016 order and what "timely manner" means.

e) Canada's May 10, 2016 report states that INAC has initiated discussions with the provinces/territories on Jordan's Principle but does not say how, or if, First Nations and First Nations child and family service agencies will be engaged in such discussions, nor what the nature of those discussions have been. The Caring Society asks that Canada be required to clarify how it will ensure that consultation with First Nations and First Nations agencies is part of the consultation process with the provinces/territories, and in other elements of the implementation of Jordan's Principle

71. In addition to this, in its decision, the Tribunal found First Nations children experienced discrimination as a result of jurisdictional disputes between and within governments because of Canada's restrictive definition of Jordan's Principle and the lack of coordination of social and health services on reserve,[52] both of which contributed to denial or delays in services. As noted in *Hughes v Canada*, systemic discrimination occurs when many errors caused by more than one individual results in unintended adverse treatment of members of a protected group.[53] This appropriately describes Canada's poor, or in many cases non-existent, coordination between and within governments programs and levels of government, which causes First Nations children to experience discrimination as a result of jurisdictional disputes.

72. In light of this, the Caring Society submits that simply broadening the definition of Jordan's Principle will not ensure that First Nations children no longer experience discrimination as a result of jurisdictional disputes. Systemic remedies, such as those requested by the Caring Society, are necessary to remedy the discrimination. It is for this reason that the Caring Society reiterates its request for order requiring Canada to provide its staff and executive staff with mandatory training on Jordan's Principle. [54] It also reiterates the following request made in its closing submissions:

a) Without delay, post and keep up-to-date information regarding its implementation of Jordan's Principle, including its definition of Jordan's Principle, assessment criteria and process, remediation and appeal mechanism;

b) Without delay, and on an annual basis thereafter, post non-identifying data on the number of Jordan's Principle referrals made, the disposition of those cases and the time frame for disposition as well as the result of independent appeals; and

c) Without delay, provide all First Nations and First Nations child and family agencies the names and contact information of the Jordan's Principle focal points in all regions and inform the First Nations and First Nations child and family agencies in question of any changes of such.[55]

[52] *FNCFCSC et al v AGC*, 2016 CHRT 10 para. 364
[53] *Hughes v. Elections Canada*, 2010 CHRT 4 at paras 64-69
[54] Caring Society's February 18, 2016 submission at Schedule A at para 3.
[55] Closing submissions of the Caring Society, August 29, 2014, page 213, paras 3-5.

VI. Canada's response to the immediate relief items sought by the Complainants is insufficient

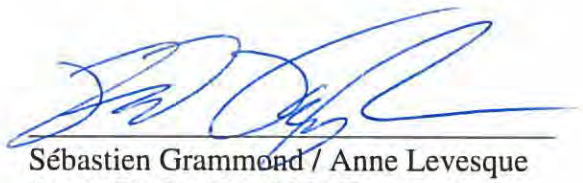
73. With regards to most of the issues raised by the Complainants, Canada merely states that it is 'open to discussions' or will "consider" certain proposals for reform. In other cases, Canada defers consideration due to alleged, and unsupported, assertions that progress is not possible without discussions with the provinces/territories.

74. Canada's attitudes or intentions regarding a proposed remedy are not relevant to determining whether it is in compliance with the Tribunal's orders. Openness to discussion is not immediate action and will not in itself begin putting an end to the discrimination experienced by First Nations children living on-reserve.

75. Indeed, the Tribunal noted in its January 26, 2016 decision that First Nations have made Canada aware of deficiencies in its program for many years and yet it has repeatedly failed to significantly modify its program.[56] Canada provides no assurance that the "discussions" it identifies in its most recent compliance report, or indeed the proposed national and regional tables, will result in Canada taking meaningful actions to remediate the discrimination. Canada has "discussed," "considered" and deferred action due to an alleged need for further discussions with provinces/territories for many years. It is time to fully and properly address the discrimination Canada has meted out to vulnerable First Nations children since Confederation.

76. It is important to contextualize the recognition of any initial efforts made by Canada, one of the wealthiest nations in the world, against the grave and long-standing harm its discriminatory conduct presents to First Nations children who are experiencing discrimination that has, and continues to, unnecessarily separate them from their families. Much as was the case during the hearing of the complaint, Canada has presented no evidence as to what hard choices it has made that provides any explanation or justification for its continuation of racial discrimination against children. Further and more precise orders are necessary as "Canada's statements and commitments [...] should not be allowed to remain empty rhetoric."[57]

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 8th day of June, 2016.



Sébastien Grammond / Anne Levesque
Sarah Clarke / David P. Taylor

Counsel for the Caring Society

[56] *FNCFCSC et al v AGC*, 2016 CHRT 2 para 461.
[57] *FNCFCSC et al v AGC*, 2016 CHRT 2 at para 454.

APPENDIX A

PROGRESS REPORT ON RESPONDENTS COMPLIANCE WITH IMMEDIATE RELIEF ORDERS and IMMEDIATE RELIEF SOUGHT BY THE CARING SOCIETY

Respondent's Compliance with 2016 CHRT 2 and 2016 CHRT 10

	CHRT ORDER CITATION	CHRT Order Wording	Respondent**'s** Response	Caring Society Requests for Further Orders	Comments and supporting citations
1	*Reconciliation and consultation with the Complainants, First Nations and First Nations Child and Family Service Agencies* 2016 CHRT 2 and 2016 CHRT 10 (para. 42)	...the Panel had hoped that the parties would have met a few times by now and discussed remedies. Each party has information and/or expertise that would assist those discussions and be of benefit in resolving this matter more expeditiously. While the Panel was required to issue its ruling, it continues to encourage the parties to meet and discuss the resolution of this matter.	Canada's May 10, 2016 compliance report states that INAC has initiated discussions with the provinces/territories on Jordan's Principle but does not say how, or if, First Nations and First Nations child and family service agencies will be engaged in such discussions, nor what the nature of those discussions have been.	The Caring Society asks that Canada be required to explain in detail how Canada will consult with the parties, First Nations and First Nations agencies regarding all matters regarding Jordan's Principle.	2016 CHRT 2 paras 380 and 480-481
2	*Funding and other resources to implement Jordan's Principle* 2016 CHRT 2 (para 481) and 2016 CHRT 10 (para 32-34)	The Panel's order specifically indicated that INAC was to …"immediately implement the full meaning and scope of Jordan's Principle" (The Decision at para 481).	Canada's May 10, 2016 compliance report states that "Canada has committed to providing the necessary resources to implementing the Jordan's Principle." (p.2, para 4)	The Respondent be ordered to: i) identify the amount of funding identified to respond to Jordan's Principle cases; and ii) identify any criteria and processes related to accessing the funding.	2016 CHRT 2 paras 380, 381 and 481; 2016 CHRT 2 paras 32-34.
3	*Inclusion of all jurisdictional disputes in Jordan's Principle* 2016 CHRT 10	The Panel ordered INAC to immediately consider Jordan's Principle as including all jurisdictional disputes (this includes disputes between federal departments) and involving all First Nations children (not only those children with multiple disabilities). Pursuant to the purpose and intent of Jordan's Principle, the government organization that is first contacted should pay for the service without need for policy review or case conferencing before funding is provided.	In its May 10, 2016 compliance report, the Respondent notes that "Jordan's Principle must now include jurisdictional disputes between federal government departments and not just apply to disputes between federal and provincial governments." (p.2)	Canada's May 10, 2016 report simply says disputes within the federal government are now included, it does not specifically say the federal government is now applying Jordan's Principle to all jurisdictional disputes. The Caring Society asks that Canada be required to confirm that INAC is applying Jordan's Principle to all jurisdictional disputes. .	2016 CHRT 2 para 481; 2016 CHRT 10 para 33.

	CHRT ORDER CITATION	CHRT Order Wording	Respondent**'s** Response	Caring Society Requests for Further Orders	Comments and supporting citations
4	*Respondent's communication of compliance with orders regarding Jordan's Principle* 2016 CHRT 10	INAC will report to the Panel within two weeks of this ruling to confirm this order has been implemented.	In its May 10, 2016 compliance report, the Respondent notes that "Health Canada and INAC have written jointly to the provinces and territories to initiate jurisdictional discussions related to Jordan's Principle". (p.2)	In its May 10, 2016 response (p.2), the Respondent confirms it has written to the provinces and territories but provides no evidence of communicating such reforms in detail and in writing to First Nations, FNCFS agencies, federal employees working in First Nations children's programs including Jordan's Principle focal points and to the public. The Caring Society requests that the Respondent be ordered to communicate such reforms in detail and in writing to First Nations, FNCFS agencies, federal employees working in First Nations children's programs including Jordan's Principle focal points and to the public within 10 business days of the order.	2016 CHRT 10 para. 34
5	*Application of Jordan's Principle to all First Nations children* 2016 CHRT 10	The Panel orders INAC to immediately consider Jordan's Principle as including all jurisdictional disputes (this includes disputes between federal departments) and involving all First Nations children (not only those children with multiple disabilities). Pursuant to the purpose and intent of Jordan's Principle, the government organization that is first contacted should pay for the service without need for policy review or case conferencing before funding is provided.	The Respondent's May 10, 2016 compliance report notes that "Canada has expanded Jordan's Principle by eliminating the requirement that the First Nations child on reserve must have multiple disabilities requiring multiple service providers." (p.2)	Canada's May 10, 2016 compliance report (p.2) only speaks to its commitment to no longer restrict Jordan's Principle cases to children with multiple disabilities and multiple service providers but falls short of confirming that the Respondent is now applying Jordan's Principle to all First Nations children as the order requires. The Caring Society asks that Canada be required to confirm that INAC is applying Jordan's Principle to all First Nations children.	2016 CHRT 2 paras 381-382; 2016 CHRT 10 para 33 and 34

	CHRT ORDER CITATION	CHRT Order Wording	Respondent**'s** Response	Caring Society Requests for Further Orders	Comments and supporting citations
6	*Government of first contact provision of Jordan's Principle* 2016 CHRT 10 (paras 33 and 34)	Pursuant to the purpose and intent of Jordan's Principle, the government organization that is first contacted should pay for the service without the need for policy review or case conferencing before funding is provided.	In its May 10, 2016 compliance report, the Respondent cites the Panel ordered that the government of first contact should pay for the service but fails to acknowledge its acceptance of the government of first contact provision or detail any action it has taken to comply with the order in the balance of the submission.	The preamble to Canada's May 10, 2016 submission (p.1) acknowledges Jordan's Principle's must apply without the case conferencing requirement, but the balance of the submission includes no action on how this has been complied with. The Caring Society asks that Canada be required to provide specific details as to what action INAC has taken to comply with the "government of first contact" provision in the CHRT order.	2016 CHRT 2 paras. 351, 379, 481 and 2016 CHRT 10 para 32.
7	*Respondent's management of Jordan's Principle cases* 2016 CHRT 10 (para. 33)	Pursuant to the purpose and intent of Jordan's Principle, the government organization that is first contacted should pay for the service without the need for policy review or case conferencing before funding is provided.	In its May 10, 2016 compliance report, the Respondent notes that "Appropriate services for any Jordan's Principle case will not be delayed due to case conferencing or policy review. Further management of any such case will be done in a manner that will ensure the appropriate service or suite of services is being implemented in a timely manner." (p.2)	Canada suggests it will manage Jordan's cases in ways that result in children receiving services in a "timely" manner fails to ensure that its management of cases in a timely manner does not result in adverse differentiation or denials of service nor does it provide any details on the management process or what timely means. Caring Society requests and order that the Respondent be required to: i) describe the process it will use to "manage" Jordan's Principle cases in detail including special procedures to respond urgent cases and cases arising outside of business hours; ii) how the public can report Jordan's Principle cases and appeal decisions; iii) how the Respondent's process ensures non-discrimination and compliance with 2016 CHRT 2 and 2016 CHRT 10; iv) Details on the training of, and direction to, government staff to ensure Jordan's Principle cases are received, assessed, and addressed in accordance with 2016 CHRT 2 and 2016 CHRT 10; and be required to provide v) quarterly public reporting on numbers of	2016 CHRT 2 paras 352, 353, 366-375 and 379.

	CHRT ORDER CITATION	CHRT Order Wording	Respondent**'s** Response	Caring Society Requests for Further Orders	Comments and supporting citations
				Jordan's Principle cases received, processing outcomes and times and case results.	
8	*Comprehensive Report: Detailed information on compliance in the short term on every finding* 2016 CHRT 10 para. 23	INAC will provide a comprehensive report, which will include detailed information on every finding identified above and explain how they are being addressed in the short term to provide immediate relief to First Nations children on reserve. The report should also include information on budget allocations for each FNCFS Agency and timelines for when those allocations will be rolled-out, including detailed calculations of the amounts received by each agency 2015-2016; the data relied upon to make those calculations; and the amounts each has or will receive in 2016-2017, along with a detailed calculation of any adjustments made as a result of immediate action taken to address the findings of the Decision.	The Respondent's submission of April 6, 2016 lays out budget allocations for 2016/2017 to 2020/21 and a series of bulleted expenses included in the 71.1 million for 2016. The Respondent does not provide the "detailed information" explaining how much was allocated to each expense, how these expenses were calculated nor does it identify the data relied upon to calculate the respective items. Moreover, at p. 2 the Respondent suggests maintenance growth and resources for INAC to do outreach etcetera are immediate relief.	The Respondent be ordered to provide the amounts allocated per item, the means by which these items were identified and relate to compliance with the Panel's rulings, the calculations used to arrive at given amounts and the data relied upon as part of the calculation. The Caring Society requests the Respondent be ordered to exclude growth in maintenance costs and costs related to INAC operations and personnel from immediate, medium and long term relief as these are regular program costs.	2016 CHRT 2 paras 384-389 2016 CHRT 10 para 20

	CHRT ORDER CITATION	CHRT Order Wording	Respondent's Response	Caring Society Requests for Further Orders	Comments and supporting citations
9	*Comprehensive report: rational for incremental budget increases* 2016 CHRT 10 para 23. 2016 CHRT 2 para. 481	"INAC will then provide a comprehensive report, which will include detailed information on every finding identified above and explain how they are being addressed in the short term to provide immediate relief to First Nations children on reserve. The report should also include information on budget allocations for each FNCFS Agency and timelines for when those allocations will be rolled-out, including detailed calculations of the amounts received by each agency 2015-2016; the data relied upon to make those calculations; and the amounts each has or will receive in 2016-2017, along with a detailed calculation of any adjustments made as a result of immediate action taken to address the findings of the Decision." (emphasis added) "AANDC is ordered to cease its discriminatory practices and reform the FNCFCS Program and 1965 Agreement to reflect the findings in the decision."	In its March 10, 2016 compliance report (p.4) the Respondent claims to have "undertaken costing analysis for proposed new investments through a comprehensive cost-driver study and trend analysis, based on the most current data available by jurisdiction. The updated amounts, currently under consideration, more accurately reflect the needs and requirements of the FNCFS Program and are still expected to be finalized and adjusted during tripartite discussions. In its submission of April 6, 2016 (p.1) the Respondent notes that: Specifically, the investments identified are: 71.1 million in 2016-2017; 98.6 million in 2017-2018; 126.3 million in 2018-2019; 162.0 million in 2019-2020; and 176.8 million in 2020-21, which is ongoing. These investments are intended to be rolled out incrementally to provide time for service providers to hire and train additional, qualified staff and to expand prevention programming.	The Respondent has provided no evidence or data to support its contention that an incremental investment is legitimized by its claims in the April 6, 2016 submissions nor does it explain why such an approach was imposed on all First Nations Child and Family Service Agencies regardless of years of experience, capacity and readiness. The Respondent also fails to provide a detailed report on how it calculated the amounts for each year and what data it relied upon for such calculations for fiscal years ranging from 2016-2021. The Caring Society requests INAC be ordered to cease its incremental approach to remedying the inequality based on unsupported assumptions of agency readiness or other considerations.	

APPENDIX B

Caring Society requests for further orders **related to the Respondent's** compliance reports

	Caring Society Immediate Relief Submission Citation	Caring Society Relief Requested	**Respondent's** compliance reports	Caring Society Request for Further Orders	Comments and Supporting Evidence from the Record
1	*Providing a foundation for the provision of non-discriminatory First Nations child and family services that take full account of First Nations cultures and languages* Caring Society Submissions on Immediate Relief dated February 18, 2016 at para 2 on p.6 Reinforced by Caring Society Submissions on Immediate Relief dated March 31, 2016 at para 16 (b) on p. 3.	On April 1, 2016, the Respondent must provide each FNCFS agency with an initial amount of $75,000.00 to develop and/or update a culturally based vision for safe and healthy children and families and to begin to develop and/or update culturally based child and family service standards, programs and evaluation mechanisms;	The Respondent's May 24, 2016 compliance report state that "INAC recognizes the importance of culturally-based and community-supported First Nation child and family services and programming. The Department welcomes the opportunity to discuss this issue further as part of future reform options"	While the federal government recognizes the importance of "culturally-based and community-supported FNCFS programming" it provides no funding to make that possible. This will hamper First Nations child and family service providers in their provision of culturally based services and in their efforts to cost out culturally based services in the medium and long term relief stages. The federal government fails to provide an alternative strategy for ensuring culturally based equity. The Caring Society requests that the Respondent be ordered to provide each FNCFS Agency with an initial amount of $75,000.00 for fiscal year 2016/2017 to develop and/or update a culturally based vision for safe and healthy children and families and to begin to develop and/or update culturally based child and family service standards, programs and evaluation mechanisms.	i) Importance of protection of culture (2016 CHRT 2, para 106). ii) Connection between culture and language (2016 CHRT 2, para 107). iii) INAC recognition of cultural programming rendered meaningless due to insufficient funding (2016 CHRT 2, para. 425)
2	*Training for the Respondent to aid non-discriminatory provision of First Nations Child and Family Services Program* Caring Society Submissions	Before August 31, 2016 and in a manner approved by the Canadian Human Rights Commission (hereinafter "the Commission") and the Complainants, the Respondent must ensure that its staff and executive staff receive 15 hours of mandatory training on the Truth and Reconciliation Commission's final report	The Respondent's May 24, 2016 compliance report state that "INAC looks forward to further discussions on improving the cultural sensitivity of its employees."	The Caring Society requests that the Respondent be ordered to: Before August 31, 2016 and in a manner approved by the Canadian Human Rights Commission (hereinafter "the Commission") and the Complainants, the Respondent must ensure that its staff and executive staff receive	

	Caring Society Immediate Relief Submission Citation	Caring Society Relief Requested	**Respondent's** compliance reports	Caring Society Request for Further Orders	Comments and Supporting Evidence from the Record
	on Immediate Relief dated February 18, 2016 at para 3 on p.6 Reinforced by Caring Society Submissions on Immediate Relief dated March 31, 2016 at paras 19-20 on p.4	(December, 2015); the FNCFS Program (including formula development, assumptions, and program reviews); the Tribunal decision on the merits, and on the full meaning and scope of Jordan's Principle as set out in the Tribunal's decision on the merits;		15 hours of mandatory training on the Truth and Reconciliation Commission's final report (December, 2015); the FNCFS Program (including formula development, assumptions, and program reviews); the Tribunal decision on the merits, and on the full meaning and scope of Jordan's Principle as set out in the Tribunal's decision on the merits and subsequent decisions	
3	*Immediate relief for legal fees; receipt, assessment and investigation of child protection reports; and building repairs* Caring Society Submissions on Immediate Relief dated February 18, 2016 at para 4. Referenced at Caring Society submissions on Immediate Relief at paras 36-37 (legal fees),	Beginning immediately and on an ongoing basis, unless supplanted by additional order by the Tribunal and/or by written agreement of the Parties, the Respondent must fully reimburse the following actual costs incurred by FNCFS agencies, without restrictions based on the existing funding formulas: a. legal fees related to child welfare investigations (i.e., warrants), children in care and inquiries, according to the tariff employed by the federal government for the remuneration of outside counsel, as updated from time to time; b. actual costs related to the receipt, assessment and investigation of child protection reports; c. costs of building repairs where a FNCFS agency has received from a licensed building inspector, structural engineer, fire marshal or equivalent First Nations authority a notice to the effect that repairs must be done to comply with applicable fire, safety and building codes and regulations or where there is other evidence of non-compliance with applicable fire, safety and building codes and regulations;	a.The Respondent's May 24, 2016 compliance report notes that legal fees are "an important topic for discussion as part of reform efforts" b. The Respondent's May 24, 2016 submissions state that "Budget 2016 investments will provide approximately $45.0 million over the next five years in additional funding to support intake and investigation services, which include activities such as the receipt, assessment and investigation of child reports" (emphasis added) c. The Respondent's May 24, 2016 submissions states that "INAC will pursue discussions on the broader issues of infrastructure related to FNCFS as part of future long-term reform efforts"	1. The Caring Society requests that the Respondent be ordered to fully reimburse the following actual costs incurred by FNCFS agencies, without restrictions based on the existing funding formulas: a. legal fees related to child welfare investigations (i.e., warrants), children in care and inquiries, according to the tariff employed by the federal government for the remuneration of outside counsel, as updated from time to time; b. actual costs related to the receipt, assessment and investigation of child protection reports; c. costs of building repairs where a FNCFS agency has received from a licensed building inspector, structural engineer, fire marshal or equivalent First Nations authority a notice to the effect that repairs must be done to comply with applicable fire, safety and building codes and regulations or where there is other evidence of non-compliance with applicable fire, safety and building codes and regulations	

	Caring Society Immediate Relief Submission Citation	Caring Society Relief Requested	**Respondent's** compliance reports	Caring Society Request for Further Orders	Comments and Supporting Evidence from the Record
4	*Cessation of recovery of maintenance cost over-runs from prevention or operations funding streams.* Caring Society Submissions on Immediate Relief dated February 18, 2016 at para 5 on p.7	5. With respect to Directive 20-1 and the Enhanced Prevention Funding Approach ("EPFA") or any modifications thereof, the Respondent must cease the practice of requiring FNCFS Agencies to recover cost overruns related to increases in the number of children in care or the higher needs of children in care from the prevention and operations funding streams;	The Respondent's May 24, 2016 compliance report states that "Budget 2016 investments took into account cost drivers and growth considerations, including those impacting maintenance expenditures. It is providing $159 .0 million in additional funding over the next five years to address these issues. Should pressures exceed the allocated budget, additional resources would be secured through the above-mentioned process"	This year, only $51,830.765.38 will be conferred to agencies. The Caring Society requests that the Respondent be ordered to cease the practice of requiring FNCFS agencies to recover cost overruns related to increases in the number of children in care or the higher needs of children in care from the prevention and operations funding streams	
5	*Funding Adjustments* Caring Society Submissions on Immediate Relief dated February 18, 2016 at para 6 on p.7	The Respondent must immediately make the following adjustments in the calculation of the operation and prevention budgets of FNCFS agencies, with respect to provinces and territories covered by Directive 20-1 and those covered by EPFA: a. Replacing the formula mentioned at paragraph 126 of the Tribunal's decision on the merits with the following formula: "A fixed amount of $444,601 per organization + $15,427.57 per member band + $1,046.75 per child (0-18 years) + $13,298.73 x average remoteness factor + $12,766.90 per member band x average remoteness factor + $106.06 per child x average remoteness factor + actual costs of the per diem rates of foster homes, group homes and institutions established by the province or territory," and adjusting the base amounts in that formula according to the increase in the consumer price index for fiscal years 2016-17 and forward; b. Providing FNCFS agencies with an upward adjustment of their operations and prevention budgets where the percentage of children in	The Respondent's compliance report states that "The Budget 2016 investments provide increased funding to a range of existing and new budget items for Directive 20-1 and EPFA jurisdictions, including, but not limited to a. $64.7 million upward adjustment for agencies with a child in care count above 6% over the next five years; b. increases for prevention-based services for all jurisdictions; c. upward adjustments to staff salaries to ensure comparability with current provincial rates; d. adjustments to case-worker ratios; e. additional funding for off-hour emergency services; f. increased investments to service purchase per child, providing approximately $39.9 million over the next five years to all FNCFS service providers; and g. additional funding over the next five years of approximately $45 million, for intake and investigation services, which were previously managed and administered by the provinces.	The Respondent has not shown whether or how these investments will be sufficient in complying with the request, why the investment will be conferred only incrementally or the data upon which these increases were calculated. The Caring Society requests that the Respondent be order to immediately make the adjustments in the calculation of the operation and prevention budgets of FNCFS agencies, with respect to provinces and territories covered by Directive 20-1 and those covered by EPFA.	

	Caring Society Immediate Relief Submission Citation	Caring Society Relief Requested	**Respondent's** compliance reports	Caring Society Request for Further Orders	Comments and Supporting Evidence from the Record
		care and percentage of families receiving services from such an agency exceed 6% and 20%, respectively, for the population served by the agency concerned, in proportion to the excess of the percentage of children in care over 6% and of the percentage of families receiving services over 20%. No downward adjustments will be applied to FNCFCS agencies with fewer than 6% of children in care and/or serving fewer than 20% of families; c. Where a FNCFS agency serves a population of between 251 and 801 Registered Indian children, replacing the amount of $444,601 in the formula by the amounts set out in Schedule "A" to this order, adjusted according to the increase in the consumer price index for fiscal years 2016-17 and forward; d. Funding all FNCFS agencies serving fewer than 251 Registered Indian children on reserve at the amount provided to agencies serving at least 251 Registered Indian children on reserve; e. Increasing the service purchase amount in Directive 20-1 and EPFA to $200.00 per child from the current value of $100.00 per child, with an adjustment according to the consumer price index for fiscal years 2016-17 and forward; f. Increasing funding to restore lost purchasing power in other items of the operations and prevention funding streams related to the Respondent's failure to provide a compounded			

	Caring Society Immediate Relief Submission Citation	Caring Society Relief Requested	**Respondent's** compliance reports	Caring Society Request for Further Orders	Comments and Supporting Evidence from the Record
		annual inflation adjustment pursuant to the Consumer Price Index and by providing adjustments according to the increase in the consumer price index for fiscal years 2016- and forward; g. Not introducing any funding reductions or restrictions.			
6	*Updating of the Ontario funding agreement* Caring Society Submissions on Immediate Relief dated February 18, 2016 at para 7 on p.8 Reinforced by Caring Society Submissions on Immediate Relief dated March 31, 2016 at para 35 on p.4	The Respondent, must, with respect to Ontario, update the schedule of the 1965 agreement to reflect the current version of the *Child and Family Services Act* (Ontario) and ensure funding for the full range of statutory services including band representatives, children's mental health and prevention services.	The Respondent's May 24, 2016 compliance report states that "Canada will actively work with the Province of Ontario and stakeholders such as First Nations organizations, leadership, communities, agencies and front-line service providers to achieve the necessary reforms. A meeting was held between officials at INAC and the Ontario Ministry of Aboriginal Affairs to discuss issues, including child welfare in Ontario. Subsequently, on March 11, 2016, the Minister of INAC met with the Ontario Minister of Aboriginal Affairs to discuss key priority areas, including FNCFS in Ontario and the need to review the 1965 Agreement. These meetings have set the stage for further and more substantive discussions that will take place with First Nations, including the COO and other interested parties."	The Respondent has not shown that it has updated the 1965 Agreement. The Caring Society requests that the Respondent be ordered to update the schedule of the 1965 Agreement to reflect the current version of the *Child and Family Services Act* (Ontario) and ensure funding for the full range of statutory services including band representatives, children's mental health and prevention services.	

	Caring Society Immediate Relief Submission Citation	Caring Society Relief Requested	**Respondent's** compliance reports	Caring Society Request for Further Orders	Comments and Supporting Evidence from the Record
7	*Storage and management of public access to tapes of the proceedings* Caring Society Submissions on Immediate Relief dated February 18, 2016 at para 8 on p.8	The Respondent must immediately provide $30,000.00 to the Aboriginal Peoples Television Network to transfer the tapes of the Tribunal hearings onto a publicly accessible format and provide sufficient funds to the National Centre for Truth and Reconciliation to store and manage public access to the tapes.	The Respondent's May 24, 2016 compliance report states that "The Aboriginal Peoples Television Network was not a party to the complaint. As a non-party, the Tribunal should not grant it relief as part of the remedies. However, INAC is willing to further consider this undertaking".	The Caring Society requests that the Respondent be ordered to immediately provide $30,000.00 to the Aboriginal Peoples Television Network to transfer the tapes of the Tribunal hearings onto a publicly accessible format and provide sufficient funds to the National Centre for Truth and Reconciliation to store and manage public access to the tapes.	
8	*Reviewing of denials of funding* Caring Society Submissions on Immediate Relief dated February 18, 2016 at para 9 on p.8 Reinforced by Caring Society Submissions on Immediate Relief dated March 31, 2016 at para 16(f) on p.4	In partnership with affected First Nations and Tribal Councils, the Respondent must review decisions to deny funding to support the development and operation of FNCFS agencies particularly with regard to the applications for new agencies by the Okanagan Nation Alliance and Carcross First Nations.	The Respondent's May 24, 2016 compliance report states that "INAC believes this to be an important topic to be addressed through partner engagement on the FNCFS Program reform. Given the provincial/territorial legislative authority, this will require engagement and agreement with provincial and territorial governments, as well as First Nations partners".	The Caring Society requests that the Respondent be ordered to review decisions to deny funding to support the development and operation of FNCFS Agencies particularly with regard to the applications for new agencies by the Okanagan Nation Alliance and Carcross First Nations.	
9	*Funding of Canadian Incidence Study of Reported Child Abuse and Neglect* Caring Society Submissions on Immediate Relief dated February 18, 2016 at para 10 on p.8	The Respondent must fund a new iteration of the Canadian Incidence Study of Reported Child Abuse and Neglect	The Respondent's March 10, 2015 submissions state that "Canada support the new iteration of the Canadian Incidence Study and has already taken part in preliminary discussions with the Public Health Agency of Canada"	The Caring Society requests that the Respondent be ordered to immediately fund a new iteration of the Canadian Incidence Study of Reported Child Abuse and Neglect	

	Caring Society Immediate Relief Submission Citation	Caring Society Relief Requested	**Respondent's** compliance reports	Caring Society Request for Further Orders	Comments and Supporting Evidence from the Record
10	*Ceasing funding reallocations from other First Nations programs to cover shortfalls in FNCFS* Caring Society Submissions on Immediate Relief dated February 18, 2016 at para 11 on p.8 Reinforced by Caring Society Submissions on Immediate Relief dated March 31, 2016 at para 16(e) on p.4	The Respondent must seek new funding to meet the obligations set out in the Tribunal's decision on the merits, including, but not limited to, the obligations described in this consent order and obligations towards provincial and territorial governments directly serving First Nations children (which are not specified in this consent order), and cease its practice of reallocating funding from other First Nations programs to address shortfalls in First Nations child and family services, education, social assistance and other programs.	The Respondent's May 24, 2016 compliance report states that "Budget 2016 investments will contribute to a more stable and predictable funding environment within INAC, reducing the need for reallocations from other critical programs such as infrastructure and housing. Additionally, the amounts to address cost drivers and growth are anticipated to reflect greater alignment with provincial and territorial growth trends and costs going forward. Any commitment relating to funding for programs other than the FNCFS Program is beyond the scope of this complaint".	The Respondent has not shown that it has ceased this practice. The Caring Society requests that the Respondent be ordered to cease its practice of reallocating funding from other First Nations programs to address shortfalls in First Nations child and family services, education, social assistance and other programs.	
11	*No reductions in funding* Caring Society Submissions on Immediate Relief dated February 18, 2016 at para 12 on p.8	The Respondent must not decrease or further restrict funding for First Nations child and family services or children's services covered by Jordan's Principle.	The Respondent's May 10, 2016 and May 24, 2016 compliance reports are silent on this issue .	The Caring Society requests that the Respondent be ordered not to decrease or further restrict funding for First Nations child and family services or children's services covered by Jordan's Principle.	
12	*Updating of policies and procedures* Caring Society Submissions on Immediate Relief dated February 18, 2016 at para 14 on p.8	The Respondent must update its policies, procedures (including FNCFS agency reporting procedures) and contribution agreements to comply with the Tribunal's order and communicate such reforms in detail and in writing to First Nations, FNCFS agencies and the public.	The Respondent's May 10, 2016 and May 24, 2016 compliance reports are silent on this issue .	The Caring Society requests that the Respondent be ordered to update its policies, procedures (including FNCFS agency reporting procedures) and contribution agreements to comply with the Tribunal's order and communicate such reforms in detail and in writing to First Nations, FNCFS Agencies and the public.	

	Caring Society Immediate Relief Submission Citation	Caring Society Relief Requested	**Respondent's** compliance reports	Caring Society Request for Further Orders	Comments and Supporting Evidence from the Record
13	*Funding of prevention services on par with agencies in provinces* Caring Society Submissions on Immediate Relief dated February 18, 2016 at para 15 on p.8	The Respondent must fund FNCFS Agencies in British Columbia, New Brunswick and Newfoundland and Labrador for the provision of prevention services on par with the funding received by such agencies in other provinces.	The Respondent's May 24, 2016 compliance reports state that "Under Budget 2016, the FNCFS Program will receive $634.8 million in additional investments over the next five years. The investments are: $71.1 million in 2016-17; $98.6 million in 2017-18; $126.3 million in 2018-19; $162.0 million in 2019-20; and $176.8 million in 2020-21."	The Respondent has not shown that these amounts will allow FNCFS Agencies to provide services on par with the funding received by such agencies in other provinces. The Caring Society requests that an order be issued to this effect.	
14	*Adjustment for inflation* Caring Society Submissions on Immediate Relief dated February 18, 2016 at para 16 on p.9 Reinforced by Caring Society Submissions on Immediate Relief dated March 31, 2016 at para 16(h) on p.4	The Respondent must pay an amount of $5,000,000.00, adjusted for the compound rate of inflation from 2012 values pursuant to the Consumer Price Index, to be divided among FNCFS agencies in Ontario in proportion to the population of First Nations children residing on reserve that they serve, in order to allow them to provide prevention services.	The Respondent's May 26, 2016 compliance report notes that "the investments in Budget 2016 include an annual adjustment to address future cost drivers and growth. The cost drivers that account for average yearly growth include: maintenance growth; agency operating costs, excluding salaries (e.g. rent, transportation, supplies and equipment); salaries; and increases in ratios of children in care."	This does not address inflation. The Caring Society requests that the Respondent be ordered to pay an amount of $5,000,000.00, adjusted for the compound rate of inflation from 2012 values pursuant to the Consumer Price Index, to be divided among FNCFS agencies in Ontario in proportion to the population of First Nations children residing on reserve that they serve, in order to allow them to provide prevention services.	
15	*Immediate nature of relief* Caring Society Submissions on Immediate Relief dated February 18, 2016 at para 17 on p.9	This order will be effective until such time as the parties reach a further agreement or the Tribunal orders otherwise.	Many of the Respondent's 'investments' will not be made until Year 5. No explanation is provided as to why there is a 5 year delay in taking action.	The Caring Society requests that all of the above-noted relief be made immediately.	

	Caring Society Immediate Relief Submission Citation	Caring Society Relief Requested	**Respondent's** compliance reports	Caring Society Request for Further Orders	Comments and Supporting Evidence from the Record
16	*Reporting requirements by CHRT* (2016 CHRT 10, para 23)	April 26 2016 Tribunal order: The Panel orders INAC to immediately take measures to address the items underlined above from the findings in the *Decision*. INAC will then provide a comprehensive report, which will include detailed information on every finding identified above and explain how they are being addressed in the short term to provide immediate relief to First Nations children on reserve. The report should also include information on budget allocations for each FNCFS Agency and timelines for when those allocations will be rolled-out, including detailed calculations of the amounts received by each agency in 2015-2016; the data relied upon to make those calculations; and, the amounts each has or will receive in 2016-2017, along with a detailed calculation of any adjustments made as a result of immediate action taken to address the findings in the *Decision.*	The Respondent has not provided the data relied upon to make its calculations.	The Caring Society requests that the Respondent be ordered to provide the data relied upon to make these calculations.	