



Chapter 1: First Nations Child and Family Services (FNCFS) *First Nations Child and Family Services Funding for Capital Assets* Key Terms and Highlights

By virtue of 2021 Canadian Human Rights Tribunal (CHRT) order 41, Canada will fund the purchase and construction of capital assets needed to support the delivery of the First Nations Child and Family Services program and Jordan’s Principle services, on-reserve in a province; anywhere in the Northwest Territories; or anywhere in the Yukon.

This outline is meant to introduce the CHRT 41 Capital Delivery Guidance by providing further clarification on key terms and concepts, and highlighting some important sections in the guide that requestors frequently have questions about.

Below are excerpts from Chapter 1 (page 7-22) of the First Nations Child and Family Services (FNCFS) and Jordan’s Principle Capital Delivery Guidance document (March 2022) to support the implementation of 2021 CHRT 41 orders.

Please refer to the full document to guide your request.

Eligible Requestors (Section 3, pg. 8)

- FNCFS agencies, societies or other provincially/Yukon delegated child and family service providers
- First Nations* on reserve or in the Yukon that are recognized as Bands within the meaning of the Indian Act
- First Nations* that have concluded a self-government agreement, but have not exercised child and family services jurisdiction

FNCFS agencies are provincially delegated and First Nation-led agencies providing child and family services to First Nations children, youth, and families.

Additional considerations related to eligibility for First Nations Child and Family services assets can be found in Section 2, pg. 8 of the Guide.

**First Nations includes authorities, boards, or other entities created by First Nations for the purpose of providing social services or health care.*

Eligible Assets (Section 3.4, pg. 9-10)

Capital assets are pieces of property, buildings, spaces, or vehicles that are intended for long-term use, which includes:

- Assets that provide a safe, accessible, adequate, confidential, culturally appropriate and age-appropriate location, space, or area to conduct service provider operations;
- Vehicles where not already eligible through the existing claims on actual process as per 2018 CHRT 4
- Housing for personnel delivering FNCFS in remote First Nations where there are no available accommodations; * and
- Assets that are fit for purpose, meaning that they provide a safe, accessible, adequate, confidential, culturally appropriate and age-appropriate location, space, or area to support the delivery of prevention services



Note: Construction or purchase of **off-reserve** property under FNCFS is eligible where there is no suitable property available on reserve for construction, or where off-reserve construction is more accessible for First Nations children, and/or youth and/or families on reserve and in Yukon to receive services.

Eligible Activities (Section 3.3, pg. 9)

A capital asset must support the delivery of at least one of the following activities falling within the Transitional Terms and Conditions* of the First Nation Child and Family Services program. For more information visit: <https://www.sac-isc.gc.ca/eng/1648577221890/1648577242550>

Protection and Guardianship Services

Delivered by provincially delegated service providers that respond to child maltreatment, provide guardianship and/or custody services including alternative care, and support family preservation, reunification, and well-being for First Nations children, youth and families.

Prevention

Services that support the safety and well-being of First Nations children, youth, young adults, and families, in an approach that is culturally appropriate, in the best interests of the child and provided on the basis of substantive equality.

First Nation Representative Services in Ontario

Services that represent the collective interest of the First Nation as well as its families and children whenever a society, agency, person, or entity may be involved in a First Nation family's lives because of child welfare or child protection concerns.

**Transitional Terms and Conditions were provided by the CHRT to Indigenous Services Canada as an immediate measure to support the Long-Term Reform of the FNCFS program. Negotiations between the parties to the CHRT order are ongoing and as such, the Terms and Conditions of the FNCFS program are subject to change.*

Multi- purpose Assets (Section 3.4, pg. 10)

In circumstances where an asset will be used to deliver multiple services, FNCFS may make a **proportional contribution** towards the purchase, construction, or renovation capital costs.

What are the Eligible Costs? (Section 3.4, pg. 10-11)

Funding is available for the purchase, construction or renovation of capital assets that are “ready to proceed” and have received approval from the First Nation. Indigenous Services Canada will provide support to First Nations and agencies to bring a project to the stage where it is considered “ready to proceed”, including providing funding for pre-capital planning including capital needs assessments and/or feasibility studies.

Eligible costs include but are not limited to:

- Capital needs assessments for the purchase, construction, or renovation of assets;

Proportional Contributions may be assessed based on functional plans or other formulas which demonstrate the portion of the asset that will be used for Jordan’s Principle funded services. (e.g. number of square feet for Jordan’s Principle space within a 7000 sq ft community wellness centre)



- Functional Program (services operational plan or “Master Program”) - covering how funded Jordan’s Principle services identified will be operationalized, including occupancy by community-based and visiting health professionals, technicians, representatives, and other support staff;
- Functional Plan (spaces m2) - directly mapping funded Jordan’s Principle services and occupancy to the number, size and type of spaces required;
- Capital feasibility studies for the purchase, construction, or renovation of assets, including environmental and geotechnical assessments, land surveys, and other technical studies;
- Design costs;
- Purchase, construction, or renovation of assets that are ready to proceed (has relevant First Nations approval and for which feasibility and design work has been completed);
- Other auxiliary capital project costs such as: initial furniture and equipment that is fit for purpose, information technology, and other equipment to furnish new spaces, site preparation, lot servicing and site clean-up after construction; building hook-ups to water, sewer, and electrification; and upgrades to roads to enable access to the building;
- Professional fees (e.g., technical personnel, architects, consultants, and contractors to design, develop, complete or monitor the project);
- Ongoing Operations and Maintenance costs (including repairs) for these FNCFS-funded assets;
- Insurance for assets;
- Municipal taxes for buildings and land located off reserve; and
- Financing costs incurred by funding recipients who took out loans to move forward with their capital project (only eligible for capital projects that were underway as of January 18, 2022).

For more information see Section 3.4, pg. 10 of the guide.

Documents to Support a Capital Request (Section 5.2, pg. 14-18)

To support ISC’s review of the project proposal, supporting pre-capital documentation must be provided that:

- Demonstrate how the requested asset is needed to support the delivery of FNCFS activities

For **complex projects** such as the construction of a new building, FNCFS will need to complete the approval stages of the capital project life cycle:



Stage 1: Pre-Capital Needs Assessment, Feasibility and Planning Stage

Capital Needs Assessment to confirm the type of assets needed to deliver services

- Current scope of programs and services;
- Staffing requirements to deliver programs and services;
- Estimated capital requirements of current program and/or service; and
- Extent to which this type of capital is currently available to the First Nation or FNCFS agency and the current condition/state of these existing assets.



Feasibility Study to assess the practicality and viability of the proposed project or activity. The feasibility study is intended to present sufficient detail on project parameters and propose potential solutions to the defined problem, need or opportunity, justify viability, and recommend option.

Other Documents To Consider:

- **Geotechnical Report** of the lands or expansion for new or alterations to structural foundation from a licensed geotechnical engineer
- **Site Survey** completed by a licensed surveyor to show the interrelationship of all proposed and existing buildings and infrastructure.

Stage 2: Design Stage

The funding recipient engages a professional firm to develop a project design plan, which may include construction documents such as drawings and building specifications. The design plan specifies in detail the preferred solution for meeting the service need, including factors such as lot servicing, access to services and supporting infrastructure (water, wastewater, internet, electricity, roads).

The FNCFS and Capital teams will review the plan to ensure the project meets applicable federal, provincial, and territorial codes and standards for the design, construction and operation of similar physical assets, and that the design of the project is approved and certified by a professional engineer or architect licensed. The FNCFS team will make a partial funding decision at this point to support the ongoing advancement of the project by funding this work. Once the project is confirmed to be “ready to proceed”, ISC will make a full funding decision and the funding recipient will initiate a tendering process for construction.

Stage 3: Construction

The FNCFS team will flow funding and construction begins.

Stage 4: Completion

Once the construction is complete, the professional firm issues a certificate of project completion. The FNCFS team flows the final capital construction funds.

Note: The above stages may vary depending on the scope of the project.

In general, funding requests must be submitted with a completed [Capital Funding Request Form](#) and be accompanied by recommending information from the First Nation (e.g. [Band Council Resolution](#)). Indigenous Services Canada can support requestors to complete this requirement.

Reporting Requirements (Section 9, pg. 20)

All reporting requirements, including annual audited financial reports, are to be outlined in the funding agreement between the recipient and Canada. Other reporting requirements will be discussed with the recipient during the assessment of the request for funding.

Operations and Maintenance (Section 10, pg. 20)



ISC promotes a life cycle approach for assets starting with the use of a full life cycle when approving capital costs. All capital assets must be:

- Maintained to achieve their full design life, including regular inspections, preventative maintenance, and repairs when required; and
- Operated to ensure their proper day-to-day functioning and service delivery outcomes as intended, with due regard to health and safety of the community and the environment.

What other information can I find in the Capital Delivery Guide?

- Requirements for Construction Projects
- Funding request and Assessment process
- Capital Project Stages
- Service Standards and Key dates
- Escalations and appeals process
- Funding agreement and payment process
- Reporting requirements
- Operations and Maintenance
- Repayable contributions

How to apply

Complete the [Capital Funding Request Form](#)

Email the completed form to: chrt41-tcdp41@sac-isc.gc.ca

ISC will fund reimburse eligible capital costs incurred on or after August 26, 2021. If a funding recipient needs advance funding or to be reimbursed for capital cost, they can submit a Capital Funding Request form to chrt41-tcdp41@sac-isc.gc.ca to access this funding.

For more information

For more information about Funding for capital assets: Jordan's Principle and First Nations child and family services please visit the Indigenous Services Canada website:

<https://www.sac-isc.gc.ca/eng/1644603745673/1644603776364#ch4>

To speak to a BC Region Jordan's Principle representative and for support completing a Jordan's Principle capital funding request please contact the BC Region Jordan's Principle Capital Team: bcjpchrt41-cbpjtcdp41@sac-isc.gc.ca

For more information regarding the Child and Family Services Capital Funding stream and associated terms and conditions please contact the Child and Family Services Capital Team: bccfs@sac-isc.gc.ca