



## Chapter 2: Jordan’s Principle *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 (FNCFS) 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 2 (page 23-37) 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.**

### **What does funding for capital assets under the CHRT 41 order include?**

FNCFS and Jordan’s Principle funding is available for the purchase and/or construction of capital assets including property, buildings, outdoor spaces or vehicles\* that are intended for long term use and are needed to:

- support the delivery of child and family services to First Nations children on-reserve and in the Yukon
- provide safe, accessible, confidential and culturally- and age-appropriate spaces that are needed to support the delivery of Jordan’s Principle services on-reserve, in the Northwest Territories and in Yukon on-reserve in a province; anywhere in the Northwest Territories; or anywhere in the Yukon, which can include space to administer those services, such as in support of service coordination

*\*Wherever possible, and for the sake of streamlining processes for eligible requestors, requests for vehicles will be assessed and processed through existing internal mechanisms for both the Child and Family Services and Jordan’s Principle funding streams and will not be subject to the CHRT 41 major capital assessment process (Page.6). For more information contact your BC region capital teams: Jordan’s Principle [bcjpchrt41-cbpjtcdp41@sac-isc.gc.ca](mailto:bcjpchrt41-cbpjtcdp41@sac-isc.gc.ca) or CFS [bccfs@sac-isc.gc.ca](mailto:bccfs@sac-isc.gc.ca)*

### **Eligible Requestors (Section 3.1, pg. 23)**

- First Nations and First Nations-authorized service providers supporting the delivery of Jordan’s Principle services to First Nations children who live on -reserve in a province; anywhere in the Northwest Territories; or anywhere in the Yukon.
- In addition, funding applications to carry out a capital needs assessment or a feasibility study can be made by First Nations or First Nations-authorized service providers that deliver Jordan’s Principle services to First Nations children who live on or off-reserve, anywhere in Canada.

**First Nations-authorized service providers must have support from the First Nation in the form of a Band Council Resolution or similar First Nations governance process. This includes band or tribal council operated Delegated Aboriginal Agencies(DAAs).**



### Eligible Assets and Activities (Section 3.2, 3.3, pg. 24)

To be eligible, the full and/or partial cost for the purchase, construction or renovation of a capital asset must be underway and/or “**ready to proceed**”, and support spaces that are safe, accessible, confidential, and culturally and age appropriate, and used for the delivery of Jordan’s Principle funded services to [eligible First Nations child\(ren\)](#) to address unmet health, education, and social needs. These needs include:

- health needs: spaces for provision of unmet health services, including where existing Jordan’s Principle funding is not sufficient to ensure on-reserve residences are suitable for First Nations children with complex and/or on-going medical needs and/or disabilities;
- educational needs: for delivery of educational and early educational services;
- social needs: for delivery of cultural and language services, respite services, land-based activities, etc.

Capital assets may include pieces of property, buildings or spaces that are intended for long-term use. For example, funding for capital assets under Jordan’s Principle would support:

- repairing or renovating an existing building for the delivery of Jordan’s Principle services
- establishing a cultural space, including outdoors, for the delivery of Jordan’s Principle services.

To be eligible, capital needs assessments and feasibility studies for capital assets must show how the capital asset will support the delivery of services funded under Jordan’s Principle.

### Multi-purpose Assets (Section 3.3.1, pg. 25)

In circumstances where an asset will serve multiple purposes, Jordan’s Principle may make a **proportional contribution** towards the purchase, construction, or renovation capital costs where these costs will be towards the Eligible Activities outlined under 3.2 and align with the eligibility outlined under 3.1 Eligible Requestors and 3.6 Location of the Assets.

Depending on the complexity of the capital project, consideration of a multi-purpose asset must be addressed as part of the pre-capital planning and design plan to substantiate the most effective way to provide Jordan’s Principle services. Note that a decision on the capital request will only reflect the portion of a multi-purpose asset that is intended for Jordan’s Principle; consideration for funding for the remainder may be considered under other ISC or Government of Canada programs through existing application and decision-making processes as applicable.

For more information regarding what is considered a complex project please see Section 5.1 Differences in Assessment Processes: Straightforward versus Complex Projects, pg. 13, and Section 9.1 Completeness and Complexity, pg. 36 in the Program Delivery Guidance.

“**Ready to proceed**” means that the project has received approval from the First Nation and the feasibility and design work has been completed. Canada will provide support to bring a project to the ready to proceed stage.

“**Support delivery of services funded under Jordan’s Principle**” means that a Jordan’s Principle funding agreement is in place to support services being delivered out of the capital asset.

**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)



## What are the Eligible Costs? (Section 3.4, pg. 25)

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:

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

## Documents to Support a Capital Request (Section 5, pg. 30-33)

To support ISC's review of the project proposal, pre-capital documentation must be provided to demonstrate how the requested asset is needed to support the delivery of Jordan's Principle funded services.

*\* Requests for pre-capital planning will be considered if the capital assets provides safe accessible, confidential, and culturally- and age-appropriate spaces needed to support the delivery of Jordan’s Principle services to First Nations children.*

For **complex projects** such as the construction of a new building, Jordan’s Principle 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 Jordan's Principle 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 Jordan's Principle 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 Jordan's Principle 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 Jordan's Principle 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 (pg. 36)**



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.

### Location of the Asset (Section 3.6, pg. 26)

- Buildings built, purchased, or renovated using this funding can be **located on-reserve** or in the Northwest Territories or the Yukon and must provide a safe, accessible, confidential, culturally, and age-appropriate space to support the delivery of Jordan's Principle services.
- Where Jordan's Principle services are delivered off reserve, pre-capital planning funding for off-reserve capital assets to support such delivery are also eligible.

At this time, Jordan's Principle capital assets must be located on-reserve. These were the orders issued in 2021 CHRT 41.

### Documents to Support a Capital Request (Section 6, pg. 34)

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

- identifies health, education and/or social needs of the First Nations children addressed, and the expected role of the facility in the delivery of Jordan's Principle services;
- translates the needs into services/activity levels;
- presents space requirements of the Jordan's Principle services/activities; and
- presents a plan to accommodate the space.

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 10, pg. 36)

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.

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

- Requirements for Construction Projects (pg. 26)
- Funding request and Assessment process (pg. 27)
- Capital Project Stages (pg. 30-33)
- Service Standards and Key dates (pg. 35)
- Escalations and appeals process (pg. 36)
- Funding agreement and payment process (pg. 36)
- Reporting requirements (pg. 36)
- Operations and Maintenance (pg. 37)
- Repayable contributions (pg. 37)

### How to apply



Complete the [Capital Funding Request Form](#) *\*please note that the request form may need to be saved on your desktop before opening in order to avoid an error message*

Email the completed form to: [chrt41-tcdp41@sac-isc.gc.ca](mailto: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](mailto: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, or for copies of the request form of Program Delivery Guidance, please contact the BC Region Jordan's Principle Capital Team: [bcjpchrt41-cbjtcdp41@sac-isc.gc.ca](mailto:bcjpchrt41-cbjtcdp41@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](mailto:bccfs@sac-isc.gc.ca)