



REVENUES FROM THE ADMINISTRATIVE REFORM AGREEMENT NEED TO BENEFIT ABUSED WOMEN AND THEIR CHILDREN

I. RECOMMENDATIONS

TO THE GOVERNMENT OF CANADA:

1. Under the Administrative Reform Agreement¹, Indian and Northern Affairs Canada (INAC) has agreed to fund “the delivery of social services comparable to other residents of the province, directly or through negotiated agreements”. The Government of Canada must immediately live up to this commitment by appropriating the necessary funds so that residents living on reserve are not second class citizens in the province of Alberta. This includes:
 - a. Funding women’s emergency and second stage shelters on reserve with a comparable formula to provincially funded shelters.
 - b. Providing the dollars necessary to provide much needed benefits for abused women, such as the Escaping Violence Benefit and social housing.
 - c. Developing an abuse for older adults strategy for seniors on reserve.
2. Work with the Alberta Council of Women’s Shelters to annually review the comparability of the social services delivered off and on reserve for abused women and their children to identify concerns, issues and timelines to address them.

TO THE PROVINCE OF ALBERTA:

1. The same formula used by the Province of Alberta² for calculating their billing to Indian and Northern Affairs Canada for “off reserve shelter use of Status Indian women ordinarily resident on reserve” should be applied to provincial contracts with on reserve shelters. As part of this calculation the contract per diem rates should be calculated in a similar manner. Currently the federal government is billed per bedroom for off reserve shelters, while on reserve shelters are only able to bill the province at either a single or family rate.

¹ While commonly referred to as the Administrative Reform Agreement, the actual agreement is entitled *Arrangement for the Funding and Administration of Social Services*, dated December 19th, 1991 and signed by the Hon. Tom Siddon, Minister of Indian and Northern Affairs and the Hon. John Oldring, Minister of Alberta Social Services.

² As outlined in letter dated September 16, 2010 from Susan Taylor, Executive Director, Prevention of Family Violence and Bullying, Alberta Children’s Services

2. The cap (which ranges from \$100,000 to \$200,000) should be removed.³
3. Provincial shelters should be compensated for the administrative work they provide on behalf of the province. The payment formula includes a 40% administrative fee to the province plus costs for service delivery which in total generated \$24.2 million of federal government transfers over the last 5 years. As root administrators for the transfer, provincially funded shelters have a right to share in the administrative costs of these funds. Similarly, on reserve shelters should be compensated in accordance with the same formula for the administration required for women ordinarily resident off reserve.
4. The equivalent of funds derived from the Administrative Reform Agreement between Alberta and Canada with respect to shelters should be used to provide enhanced services to First Nations Women who come to provincially funded shelters.
5. The equivalent of funds derived from the Administrative Reform Agreement between Alberta and Canada with respect to child welfare services should be used to provide enhanced services to First Nations children; not flow to general revenues.

II. Violence Against Aboriginal Women Needs to be Addressed

The lack of specific responses to address the high rates of violence against Aboriginal women is illustrated by some dismal statistics:

- According to the 2004 General Social Survey (GSS), Aboriginal women experience spousal violence from either a current or previous marital or common-law partner at a rate that is three times higher than that for non-Aboriginal women, nationally.
- Children witness more than half of the violence that occurs between the adults in the home and are also targets for abuse, especially sexual crimes, with up to three quarters of Aboriginal girls under the age of 18 having been sexually assaulted.
- Aboriginal women are 8 times more likely to suffer abuse than non-Aboriginal women, and of those women, 87% had been physically injured
- There were over 5,000 Aboriginal children in the child welfare system with a large number having the status of permanent wards and being over the age of twelve (Alberta Children's Services, 2005).
- More than half of the women using Alberta's women's shelters are aboriginal
- Between 15% and 20% of women using Alberta's shelters are normally resident on reserve.

³ The Government of Alberta has allocated funds in the 2011-12 budget to do so.

- Aboriginal women were more likely to report having experienced physical, sexual, and emotional abuse as a child or adolescent, to have experienced neglect, and to have witnessed violence between parents or other family members (Healing Journey participants, Alberta)
- Aboriginal women in shelter were more likely to report increased physical violence and violence when pregnant (Assessing the Danger, p.40)
- While there are 42 bands in Alberta, there are only 6 on reserve shelters.

III. The Administrative Reform Agreement

In Alberta, the Administrative Reform Agreement allows the province to bill the federal government for social services provided to Indians in the province. These services include the provision of women's shelter services to status Indian women who are ordinarily resident on reserve. Similar provisions exist for child welfare services. Shelters are required by the province to collect information from Aboriginal women and provide the province with their Indian Registration number and a *Verification of Status Form*.

Due to the high level of violence experienced by aboriginal women, specialized supports and services are clearly needed. By virtue of this agreement, the Federal Government is obliged to fund a comparable level of social services to that of the province for individuals resident on reserve. Sufficient funds are either not being appropriated or allocated for this purpose. The observation of the six on reserve shelters in Alberta is that social services available to women on reserve are not at all comparable. There are two second stage shelters on reserve who receive no funding at all from INAC, while the Government of Alberta partially funds two second stage shelters with 8 others receiving varying degrees of provincial funding. The Escaping Violence Benefit is difficult to access, or non-existent on some reserves, but is a benefit available to women who live off reserve. Housing for aboriginal woman on reserve is continually problematic. No funding is provided specifically to address the abuse of older adults; however the Province of Alberta has recently released such a strategy. It is therefore incumbent upon INAC to address this issue for older residents on reserve.

Alberta obtains more money due to this agreement than any other province in confederation (see chart at the top of the following page⁴). Much has been written on federal provincial transfer payments and Alberta's benefit gap. In this instance, however, the province receives compensation for services it would normally provide and does not, in turn, allocate these dollars to benefit some of Alberta's most vulnerable citizens. An equivalent amount to the funds billed by the province for women's shelter services is urgently required for re-investment into services for aboriginal women in need of shelter services. Currently they flow into the province's general revenues and do not offer a direct benefit to aboriginal women.

⁴ Chart from series of questions and answers obtained from INAC, Grant Britton, Director, Treaty 7 Indian and Northern Affairs, First Nations Relations, Treaty 7, May 21, 2010 entitled Alberta_FNshelters doc.

Number of INAC-Funded First Nation Shelters								
Atlantic	Quebec	Ontario	Manitoba	Sask	Alberta	BC	Yukon	Total
5	6	9	4	4	6	6	1	41

REGIONS	2009/2010 PREVENTION PROJECTS (\$000)	2009/2010 INAC-FUNDED SHELTERS (\$000)	2009/2010 PROVINCIAL/ TERRITORIAL REIMBURSEMENT (\$000)	TOTAL 2009/2010 ALLOCATIONS TO REGIONS (\$000)
Atlantic	826.1	1,888.4	117.6	2,832.1
Québec	872.2	2,416.8	0.0	3,289.0
Ontario	1,273.6	4,354.3	0.0	5,627.9
Manitoba	995.0	1,893.1	0.0	2,888.1
Saskatchewan	888.9	1,802.7	0.0	2,691.6
Alberta	850.9	2,833.1	3,679.8	7,363.8
British Columbia	1,089.0	2,876.3	0.0	3,965.3
Yukon	114.0	40.0	123.1	277.2
Northwest Territories	37.5	0.0	0.0	37.5
Nunavut	37.5	0.0	0.0	37.5
Total	6,984.7	18,104.7	3,920.5*	29,010.0

Reflects the amount INAC allocates to regional offices to help cover provincial/territorial bills; does not reflect the total bill from the province/territory.

IV. IMPACTS ON SHELTERS

There are 43 women's and seniors' sheltering agencies in Alberta responding to family violence. Of these agencies, 6 are funded through Indian and Northern Affairs Canada and 32 through provincial contracts. The remainder is funded through a combination of funding-raising and government grants.

The Alberta Council of Women's Shelters is committed to obtaining adequate funding for all shelters and funding parity between the On Reserve Shelters funded by INAC and provincially funded shelters. The lack of equitable treatment based on government funder is discriminatory. Through international agreements, both levels of government are

required to provide adequately funded shelters⁵. Traditionally, both provincially funded, federally funded and self resourced shelters have lacked sufficient resources to provide much needed supports for abused women and their children, who face extremely difficult and challenging circumstances. There is no benefit to front line service providers; and more importantly to First Nations women, as a result of the Administrative Reform Agreement. In some of the other provinces, shelters do not have to fill out the forms to generate revenue from the province; but services are available (and in some cases funded at a higher level) for all.

In addition, the province charges the federal government a 40% administrative fee; more than \$9 million dollars in direct and indirect administrative costs over the last five years. The following illustrates the dollars billed by the province to the federal government from 2005 – 2010.

***Department of Children and Youth Services,
On Reserve Invoicing to the Federal Government,
2005-2010***

Fiscal Year	Total Days that Women Normally Resident on Reserve Used Shelters Off Reserve	Total Number of Women's emergency shelter days for Both on and Off Reserve Residents	Total Client Expenses Related to Women Normally Resident on Reserve	Direct Administration Costs	Indirect Administration Costs	Total Amount Invoiced
2005-06	9,611	69,453	2,596,048	1,263,695	240,333	4,100,076
2006-07	10,088	77,639	2,591,842	1,529,619	191,496	4,312,957
2007-08	8,852	69,228	2,516,295	1,411,305	229,183	4,156,783
2008-09	10,462	65,522	3,204,279	1,775,362	267,114	5,246,755
2009-10	12,187	65,828	3,847,846	2,297,536	285,990	6,431,372
			14,756,310	8,277,517	1,214,116	24,247,943

Note that the amount billed by the province is not equal to the amount paid by INAC to the province. In 2009-10, for instance, INAC reimbursed the province \$3,679,800.

⁵ Article 125(a) Beijing Platform for Action (1989), of which Canada is a signatory, requires well-funded shelters and relief support for girls and women subject to violence.

In March, 2010, INAC representatives announced funding cuts to the Alberta On Reserve Shelters. This announcement was just before the start of a new fiscal year. Officials indicated that these shelters had actually been cut in the prior year, but they hadn't yet had the opportunity to tell them about it. Needless to say, this lack of notice, and reduced funding would have created significant hardship on the shelters involved. Part of the rationale provided was the relatively high level of historic funding under the Administrative Reform Agreement in Alberta (see text box to right).

In examining the federal provincial arrangements, we found that:

1. The billing formula is complex and is based on different shelter per diem rates depending upon who is being paid. The per diem rate charged by the province to the federal government is calculated based on the annual contract amount with each shelter divided by the number of bedrooms divided by 365 days plus a 40% administrative fee. On the other hand, on reserve shelter contract rates are calculated based on a provincially developed formula of \$114 for a single client, and \$344.40 for a family. Alberta Children and Youth Services cited confidentiality provisions and did not provide a requested shelter by shelter breakdown of the per diem rates charged to the federal government. Each year, there are significant discussions between the province and the federal government to review the provincial billings.

In the case of Alberta, the overall allocation for 2009-2010 increased from \$7.2 million to \$7.4 million dollars. This funding supports five existing and one new shelter, prevention projects and the reimbursement of provincial bills in Alberta. The formula did, however, also require a decrease in the funding levels of 4 of the 6 Alberta shelters. While this forecast reduction is unfortunate, it is as a result of the relatively high level of historic funding for Family Violence Prevention in the Alberta Region.

As we discussed, a decision was taken to delay the implementation of the new formula in the Alberta Region until after the 2009/10 fiscal year to allow for a more orderly transition of shelter operations. Regional staff were to consult with the shelters about the transition. Unfortunately, due to other work pressures, this engagement process did not occur. This fact was overlooked when the new funding arrangements for the 2010/11 fiscal year were prepared and, as a result, the new arrangements were adjusted to reflect the levels identified in the national funding formula. This change was not communicated to the Alberta First Nation shelters until the last few weeks - leaving them with little time to amend their plans for operations in the new fiscal year - beginning on April 1, 2010.

The new funding formula aims to provide a fair and equitable allocation of the program's resources for existing and new shelters across the country.

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Indian and Northern Affairs Canada

March 19th 2010 e-mail to Jan Reimer, Provincial Co-ordinator, ACWS

2. Provincially contracted women's shelters are asked to
 - a. determine a woman's aboriginal status (First Nations, Metis, Inuit, Non Status, Potential for registration),
 - b. obtain their registration number and
 - c. ascertain if they are ordinarily resident on reserve.
 - d. if they have Status and are resident on reserve then the shelter is required to fill out a Verification of Status Form for the woman and her children.
3. On Reserve shelters must go through a similar process for women ordinarily resident off reserve.
4. Aboriginal women and their children face alarming rates of violence. It is incumbent upon all of us to work to end this violence and special measures need to be taken. The Alberta Council of Women's Shelters' position is that, at bare minimum, an equivalent amount of dollars collected by the province for shelter and child welfare services need to be invested into improved services and responses for aboriginal women and their children. Following the precedent set by using federal child care dollars to support children who accompany their mother to shelter, the province should immediately develop a fund that shelters can draw upon to improve services to First Nations Women. In addition, investing the significant funds that flow into provincial coffers from child welfare services into specialized supports for First Nations children can make a huge difference. Currently, close to 65% of children in care are aboriginal.⁶ It should be noted that similar transfers occur within the educational system, flowing directly to the school board as opposed to provincial coffers. A similar process should be in place so that the dollars billed by the province for women's shelter and child welfare services flow to them. Given the high administrative fees charged by the province, and the work shelters do to allow for these transfers, shelters should be compensated accordingly.

V. The ACWS POSITION

The Federal government needs to immediately honour and implement the recommendations contained in *Shelter Funding Methodology for the Family Violence Prevention Program*. Based on this funding methodology, Alberta on-reserve shelters are approximately 40% below recommended levels and again lag behind their provincially-funded counterparts. For more details, see our report entitled, *Moving Forward* (January, 2011).

It is our position that

- a) the Administrative Reform Agreement signed by the Alberta and Canadian bureaucracies should NOT affect INAC's funding formula for on-reserve shelters in Alberta.

⁶ Alberta's Children's Advocate's 2009-10 annual report.

- b) Both Canada and Alberta are obligated under human rights conventions to provide well funded shelters and relief support for girls and women subject to violence⁷; and
- c) Given that the government of Canada recently adopted the United Nations Declaration on the Rights of Indigenous Peoples both Canada and Alberta need to live up to their obligation to *take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.*⁸
- d) Alberta is compensated by the federal government for provincial services provided to First Nations women and children who are normally resident on reserve. It would stand to reason that these funds be dedicated to their well-being. In fact, similar agreements are in place for educational services and in that case the dollars flow directly to the school boards; rather than general revenue, which is the case for abused women and children.



⁷ Article 125(a) Beijing Platform for Action (1989)

⁸ Article 21 (2) United Nations Declaration on the Rights of Indigenous Peoples