

COMPLIANCE DETERMINATION

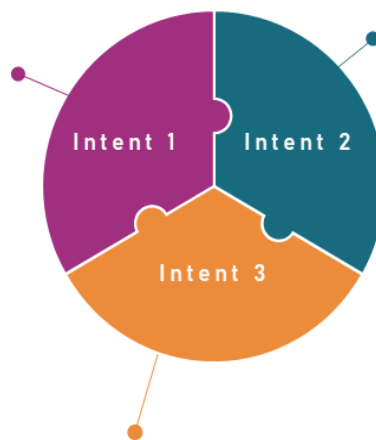
Safe Sleep – Recommendation 2

Recommendation Summary: Develop and implement a plan to ensure that no infant living in Manitoba First Nations communities is without a safe sleeping surface.

Primary Public Body: Government of Canada

1. Develop and implement an action plan to ensure that no infant living in Manitoba First Nations communities is without a safe sleeping surface. The plan should prioritize low-income families and those who self-identify as needing a surface, review existing policies, identify and mitigate barriers, and not discriminate.

See Intent 2.



2. Ensure every infant in a First Nation community in Manitoba has a safe sleep surface.

“Indigenous Services Canada Manitoba - Jordan’s Principle officials, in consultation with First Nations, Indigenous-led partners such as the tribal councils, and the Rehab Center for Children, have developed processes to ensure that no infant living in Manitoba First Nations communities is without a safe sleeping surface (crib, bassinette, or culturally appropriate safe alternative), in line with the Jordan’s Principle Back to Basic Approach.”

3. Consult with First Nations governments in Manitoba to ensure that no infant living in Manitoba First Nations communities is without a safe sleeping surface.

See Intent 2.

COMPLIANCE DETERMINATION



Recommendation Compliance Summary

In accordance with subsection 11(1) clause (d) of *The Advocate for Children and Youth Act (ACYA)*, the Advocate retains the responsibility "to monitor the implementation of recommendations included in reports made under section 27 (investigation) or special reports made under section 31."

This form details the assessment of implementation of compliance made under the referenced subsection of the ACYA. MACY assesses implementation of compliance with recommendations once a year but receives updates from public bodies every six months.

1. Recommendation Information	
Special Report Name:	Safe and Sound: A Special Report on the Unexpected Sleep-Related Deaths of 145 Manitoba Infants
Date Released:	3/26/2020
Full Recommendation (including details)	<p>Recommendation Two: The Manitoba Advocate for Children and Youth recommends that the Government of Canada, in consultation with the First Nations governments of Manitoba, develop and implement a plan to ensure that no infant living in Manitoba First Nations communities is without a safe sleeping surface (crib, bassinette, or culturally appropriate safe alternative), in line with Jordan’s Principle.</p> <p>DETAILS:</p> <ul style="list-style-type: none"> • An action plan will prioritize the rights of children over jurisdictional or administrative barriers (child-first principle) and achievement of true equality in outcomes (substantive equality). • The action plan will explore recycling and loan programs, and other cost-effective and innovative approaches. • Parents or caregivers living with low incomes and needing a safe sleep surface will be identified through multiple systems including the health care system, Employment and Income Assistance, the Manitoba Prenatal Benefit Program, and Child and Family Services. • Parents or caregivers in need of a safe sleep surface will be able to self-identify. • As per the principle of non-discrimination detailed in the UNCRC, eligibility criteria will ensure that there is no discrimination of any kind, including national or social origins, or on the basis of race, or residence in a rural or remote community. • Existing governmental policies in the child welfare and social assistance programs that relate to the distribution of safe sleep surfaces will be reviewed and revised if they do not comply with the child-first principle. • Barriers to accessing cribs will be identified and mitigated. <p>IMPACT:</p> <ul style="list-style-type: none"> • All infants in Manitoba will have a safe sleep surface as is necessary to realize their inherent rights to the highest attainable standard of health and to live and thrive (UNCRC, Art. 24, 6). • The Government of Manitoba will ensure that caregivers have the financial and physical resources they need to support child health

	and wellbeing (UNCRC, Article 27).
Intent(s) of Recommendation:	The intents of the recommendation are to: <ol style="list-style-type: none"> 1. Develop and implement an action plan to ensure that no infant living in Manitoba First Nations communities is without a safe sleeping surface. The plan should prioritize low-income families and those who self-identify as needing a surface, review existing policies, identify and mitigate barriers, and not discriminate. 2. Ensure every infant in a First Nation community in Manitoba has a safe sleep surface. 3. Consult with First Nations governments in Manitoba to ensure that no infant living in Manitoba First Nations communities is without a safe sleeping surface.
Issue:	Safe Sleep
Public Body	Government of Canada
Dates of Previous Official Updates from Public Body	October 20, 2022 July 21, 2021 June 16, 2020
2. Compliance Determination	
Limitedly Compliant 0.25	The requirements have been fulfilled to a limited degree, resulting in a significant deficiency in the implementation.
Self-Assessment	none
Previous Compliance Determination	Limitedly Compliant
3. Rationale for Determination (How did you reach this compliance determination)	
<p>Intent 1: Develop and implement an action plan that prioritizes low-income families and those who self-identify as needing a surface, reviews existing policies, identifies and mitigates barriers, and does not discriminate.</p> <p>2022</p> <ul style="list-style-type: none"> • No response provided. <p>2021</p> <ul style="list-style-type: none"> • The Government of Canada is committed to transforming how health services are delivered, including transferring control to First Nations directly to design and delivery services. Two examples of transfers on clinical care transformation were cited: Manitoba Keewatinowi Okimakanak and the Southern Chiefs Organization. • While a number of federal funding sources were noted that could be accessed by low-income and self-identifying families in need of a safe sleep surface, no action plan was referenced that would review existing policies and identify and mitigate barriers. • Several previous and ongoing federal investments were given as examples to improve health outcomes in Indigenous communities, however none specifically referred to safe sleep surfaces. • The On-reserve Income Assistance Program prioritizes low-income families and can be used to cover expenses up to \$250 for newborn within three months of the child being born, including a safe sleep surface. Subsequent children would receive \$75. Questions remain as to whether the allotted amount is sufficient to cover the cost of a surface, in addition to other essential expenses. 	

- In a meeting with the First Nations Health and Social Secretariat of Manitoba (FNHSSM), MACY received additional context that the amount provided by the On-reserve Income Assistance Program is insufficient, is lower than social assistance in Manitoba, and also needs to cover formula. The cost of a new crib and shipping would surpass the amount.
- An engagement process to co-develop legislation so that Indigenous communities have greater control over the design and delivery of high-quality and culturally relevant care was launched on January 28, 2021.
- Although Jordan's Principle does not discriminate against whether a child resides on- or off-reserve, families are only able to access the FNCFS program or Community Well-Being and Jurisdiction Initiatives if they live on-reserve and their children are in the care of Child and Family Services

Intent 2: Ensure every infant in a First Nation community in Manitoba has a safe sleep surface.

2022

- The response provided by the Government of Canada did not speak to the separate intents of this recommendation. In regards to this overall recommendation, they stated: "Indigenous Services Canada Manitoba - Jordan's Principle officials, in consultation with First Nations, Indigenous-led partners such as the tribal councils, and the Rehab Center for Children, have developed processes to ensure that no infant living in Manitoba First Nations communities is without a safe sleeping surface (crib, bassinette, or culturally appropriate safe alternative), in line with the Jordan's Principle Back to Basic Approach."

2021

- All the programs and funding sources referenced by Indigenous Services Canada (ISC) require the family to self-initiate and submit a request or application for authorized approval. There is no guarantee that an infant will be provided with a safe sleep surface or that funding will be provided to cover costs for such a surface following a request being made.
- The FNHSSM has provided feedback to MACY that more clarity is needed regarding criteria for approval when applying for funding for a safe sleep surface. Some families may not be coming forward because they could be targeted unnecessarily for child welfare, which is a real concern to address. Often, this is a housing issue, which is handled through a different department but is a big part of the overall challenge.
- The Community Well-Being and Jurisdiction Initiatives are promising in that communities could identify the purchase of safe sleep spaces for infants living on-reserve as a community priority and use these funds to do so. Once again, however, the initiative falls on the community to request funding and undergo an application process, rather than there being a guarantee of committed funding to ensure all infants have a safe sleep surface in all communities in need.

Intent 3: Consult with First Nations governments in Manitoba to ensure every infant in a First Nation community has a safe sleep surface.

2022

- See intent 2.

2021

- Neither the June 2020 preliminary response update, nor the July 2021 response specifically referred to any consultation with First Nations governments on the topic of safe sleep surfaces.

- The FNHSSM shared with MACY in September 2021 that it is currently not aware of any consultation, however, it is possible it could be occurring.

Analysis Summary: A limited response was provided in the 2022 compliance process, where it was indicated that families living in First Nations communities in Manitoba would be able to access safe sleep surfaces through Jordan's Principle, in line with the Back to Basics Approach. MACY is currently requesting further information through Manitoba's Jordan's Principle Program Manager to understand how this process works, and whether there are any limitations to this approach. As there is currently not a full understanding of the processes, this recommendation will remain limitedly compliant.