

First Nations Health Council Process

TO IMPLEMENT THE TRIPARTITE FRAMEWORK AGREEMENT ON
FIRST NATION HEALTH GOVERNANCE



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Introduction:

The purpose of this document is to describe the process for the First Nations Health Council (FNHC) to oversee the implementation of the *Tripartite Framework Agreement on First Nation Health Governance* ("Framework Agreement"), including the conclusion of sub-agreements.

Through Resolution 2011-01 passed by First Nations at Gathering Wisdom for a Shared Journey IV, First Nations provided clear direction on next steps to the FNHC, and approved the *Tripartite Framework Agreement on First Nation Health Governance*, and the *Consensus Paper: British Columbia First Nations Perspectives on a New Health Governance Arrangement*. With respect to further tripartite work required to accomplish the transfer of First Nations health program design and delivery to First Nations control, First Nations directed that the FNHC:

- Provide dedicated political leadership for the implementation of the health plans, and politically oversee the transition of First Nations and Inuit Health-BC Region to a new First Nations Health Authority (*Consensus Paper*)
- Direct the First Nations Health Society to sign the Framework Agreement, and to take steps to become the interim First Nations Health Authority and begin the early steps in implementing the new health governance arrangement (*Resolution 2011-01*)
- Develop a strategy and approach for the conclusion of sub-agreements to the Framework Agreement, and share this strategy and approach with First Nations for feedback (*Resolution 2011-01*)
- Engage with federal and provincial governments to finalize the Health Partnership Accord (*Resolution 2011-01*)
- Engage with federal and provincial governments to prepare the implementation plan and strike the implementation committee (*Resolution 2011-01*)
- Complete the transfer of First Nations and Inuit Health-BC Region (FNIH) to a First Nations Health Authority (FNHA) within two years of the signing of the Framework Agreement, or such later time as Canada and the FNHA may agree (*Framework Agreement*)

This document describes the FNHC's approach to achieving the above direction of First Nations, by establishing processes and expectations for the following elements of the transfer process: Guiding Documents; Roles and Responsibilities; and, Preparation, Mandating and Reporting Process.

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Guiding Documents:

A) CONSENSUS PAPER

On May 26, 2011, by Resolution 2011-01, First Nations in BC adopted a *Consensus Paper: British Columbia First Nations Perspectives on a New Health Governance Arrangement*. The Consensus Paper establishes seven directives that describe the fundamental standards and instructions for the new health governance arrangement – all agreements or structures relating to the new First Nations health governance arrangement must be consistent with the standards and requirements set out in this consensus paper, which are as follows:

1. Community-Driven, Nation-Based
2. Increase First Nations Decision-Making and Control
3. Improve Services (*Consistent with the Principle of Comparability*)
4. Foster Meaningful Collaboration and Partnership
5. Develop Human and Economic Capacity
6. Be Without Prejudice to First Nations Interests (including but not limited to Aboriginal Title and Rights, Treaty Rights, self-government agreements, court proceedings, the fiduciary duty of the Crown, and existing community health funding agreements)
7. Function at a High Operational Standard

The Framework Agreement sub-agreements reached to accomplish the transfer of FNIH to an FNHA must be consistent with the Consensus Paper, including the Directives.

B) RESOLUTION 2011-01 WORKPLAN

By Resolution 2011-01, First Nations directed the First Nations Health Council to develop a workplan in consultation with Regional Caucuses for next steps in implementing the new health governance arrangement. That workplan has been drafted and circulated to Regional Caucuses for review and feedback by December 31, 2011. This document is in alignment with that Workplan (it describes in greater detail the work required to implement the Resolution 2011-01 Workplan specifically in the area of transfer of FNIH to an FNHA).

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C) TRIPARTITE FRAMEWORK AGREEMENT ON FIRST NATION HEALTH GOVERNANCE

First Nations approved the *Tripartite Framework Agreement on First Nation Health Governance* ("Framework Agreement") which clearly sets out agreement amongst the Parties on key elements of the new health governance arrangement, and specific criteria and standards for the following sub-agreements to be finalized: Human Resources and Record Transfer; Information Management and Information Sharing; Non-Insured Health Benefits; Assets and Software; Accommodation; Capital Planning and First Nations Health Facilities; and, Alignment or Termination of Canada's Contribution Agreements. The sub-agreements flow from and will be consistent with the Framework Agreement.

Roles & Responsibilities:

Note on Terminology: The term "interim First Nations Health Authority (interim FNHA)" is used throughout this document. Through Resolution 2011-01 approved by First Nations at Gathering Wisdom IV, First Nations called upon the existing First Nations Health Society to take steps to become the interim First Nations Health Authority. This work is in-progress. Therefore, for the purposes of this document, the term "interim First Nations Health Authority" applies to the existing First Nations Health Society Board of Directors and staff, and to a future interim First Nations Health Authority Board of Directors and staff.

FIRST NATIONS AND REGIONAL CAUCUSES

Through Gathering Wisdom IV *Resolution 2011-01*, First Nations have provided the mandate and direction for the FNHC to conclude sub-agreements pursuant to the Framework Agreement. The role of First Nations and Regional Caucuses in this process includes:

- Receiving progress reports from the FNHC and providing feedback on those reports
- As per the processes described in this document, providing guidance and advice to the FNHC on the subject matters under discussion
- Volunteering for subject-matter task groups as may be established on specific matters and issues

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FIRST NATIONS HEALTH COUNCIL

By Resolution 2011-01, the FNHC has the mandate to oversee the implementation of the Framework Agreement (inclusive of the sub-agreements), including appointing and mandating a support team.

- The FNHC's role in providing oversight includes:
- Reviewing, discussing and approving recommendations
- Receiving regular progress reports and updates and providing guidance as required
- Reporting to their respective regional caucuses and First Nations in their respective regions about the implementation of the Framework Agreement
- Approving any agreements and documents or recommending that the interim FNHA do so as the case may be

In addition, individual members of the FNHC may be called upon by the FNHC or the FNHC Chair to provide support and assistance.

FIRST NATIONS HEALTH COUNCIL GOVERNANCE WORKING GROUP

In accordance with its responsibility to appoint a support team, the FNHC has established a Governance Working Group (GWG). The GWG is not a decision-making body. It implements direction from the FNHC, including by:

- Providing guidance and direction to the process consistent with the direction provided by the FNHC
- Participating in tripartite discussions and working groups as required
- Working with the interim FNHA to assemble the support teams required, and provide guidance to those support teams
- Developing recommendations, mandates and other key decision documents and bringing these forward to the FNHC for review, discussion, and approval
- Supporting the development of draft agreements and other documents
- Keeping up-to-date on the status of tripartite discussions
- Reporting to regional caucuses and First Nations about the implementation of the Framework Agreement overall

FIRST NATIONS HEALTH COUNCIL CHAIR

In accordance with its responsibility to appoint a support team, the FNHC has identified its Chair as its Implementation Lead. The FNHC Deputy Chair will support the Chair in this role (including acting in the capacity of Chair when the Chair is unavailable).

The Chair (including the Deputy Chair) does not make decisions independent of the FNHC. His or her role includes implementing the direction of the FNHC and the Guiding Documents on a day-to-day basis, including through:

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- Providing leadership to the process to ensure ongoing progress and that timelines and milestones are met, and that issues with tripartite partners and amongst the FNHC are resolved
- Providing day-to-day guidance to the process and support teams, including providing direction to staff and contracted technical expertise and for the preparation of documents, research, analysis, etc.
- Leading discussions amongst the GWG to ensure that the interests of the FNHC as described are met in tripartite discussions
- Leading, or delegating leadership, in tripartite meetings and working groups (the Chair will have standing membership in all tripartite working groups and participate as determined / required)
- Keeping fully updated on the status of all elements of the implementation of the Framework Agreement (including the content of all draft sub-agreements)
- Reporting regularly on progress to the FNHC and GWG, and receiving direction from the FNHC and guidance from the GWG
- Acting as the primary FNHC contact for, and liaising regularly with, federal and provincial partners
- Liaising with the interim FNHA Board of Directors and others on the process

INTERIM FIRST NATIONS HEALTH AUTHORITY BOARD OF DIRECTORS

The interim FNHA Board of Directors is the legal entity responsible for supporting the activities of the FNHC and FNHA and is legally bound to meet the requirements of the Framework Agreement.

The role of the interim FNHA Board of Directors includes:

- Executing the sub-agreements as directed by the interim FNHA members (the FNHC)
- Meeting the operational and structural requirements as established in the Framework Agreement
- Providing advice to the FNHC, GWG and the Chair on tripartite discussions
- Identifying, monitoring and approving the resources required for the implementation of the Framework Agreement

INTERIM FIRST NATIONS HEALTH AUTHORITY CHIEF EXECUTIVE OFFICER

The CEO is a senior advisor to the FNHC (including the GWG and the Chair) in the tripartite process and is responsible on behalf of the interim FNHA to fulfill the FNHA's legal and operational requirements under the Framework Agreement and various other legal and funding agreements.

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The role of the CEO includes:

- Providing advice to the FNHC, the GWG and the Chair on the process and subject matter
- Working with the FNHC Chair and engaging in tripartite discussions as required to ensure that the interim FNHA legal and operational issues are addressed through the process, including that discussions allow for an integrated and successful transition from FNHI to the FNHA
- Participating in tripartite meetings and working groups (the CEO will have standing membership in all tripartite working groups and participate as determined / required)
- Keeping fully updated on the status of all elements of the implementation of the Framework Agreement (including the content of all draft sub-agreements)
- Working with the FNHC Chair, providing strategic direction as required to support teams, such as providing direction to staff and contracted technical expertise and for the preparation of documents, research, analysis, etc.
- Reporting to the interim FNHA Board of Directors
- Providing sustainable and effective human and financial resources to fulfill requirements

SUPPORT TEAMS

Support teams may be identified, or subject-matter teams may be struck, as required to carry out the direction of the FNHC, GWG, and the Chair in the tripartite process and meetings.

The role of the Support Teams includes:

- Providing technical advice to the FNHC, the GWG and the Chair on the specific subject matter of sub-agreements
- Participating in tripartite meetings and working groups to carry out the technical work on the sub-agreement development
- Preparing documents and other materials as requested by the FNHC, the GWG, the Chair and the CEO
- Reporting to the Chair, GWG, and/or FNHC as required

FIRST NATIONS HEALTH COUNCIL SECRETARIAT

The FNHC Secretariat is responsible for providing support to the FNHC, GWG and the Chair throughout the process, including logistical coordination and management.

The role of the FNHC Secretariat includes:

- Providing technical advice to the FNHC, the GWG and the Chair on the process overall and specific subject matter as required
- Participating in tripartite meetings and working groups as required
- Providing technical oversight to the process overall, including developing and monitoring workplan(s)
- Preparing documents and other materials as requested by the FNHC, the GWG, the Chair and the CEO

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- Overseeing and providing logistical support to the tripartite process ,the FNHC, the GWG and the Chair as required
- Communicating and preparing communications materials and updates about the implementation of the Framework Agreement for use of First Nations, the FNHC, the interim FNHA, tripartite partners, and others as required
- As needed, working with the interim FNHA staff to support the effective management of contracts for technical support

INTERIM FIRST NATIONS HEALTH AUTHORITY STAFF

The FNHC and FNHC Secretariat draw upon support and expertise from the staff at large of the interim FNHA as required.

The role of interim FNHA staff includes:

- Providing technical advice to the FNHC, interim FNHA, the GWG and the Chair on specific subject matter and the process overall
- Participating in tripartite meetings and working groups as required
- Preparing documents and other materials as requested by the FNHC, the GWG, the Chair and the CEO
- Preparing materials and updates to First Nations, the FNHC, the interim FNHA, tripartite partners, and others as required
- Supporting the roles and functions of the FNHC Secretariat as required, including providing logistical support to the tripartite process, the FNHC, the GWG and the Chair as required
- Providing administrative management of contracts for technical support as needed
- Providing technical support to the Implementation Committee and other groups as needed

LEGAL COUNSEL

Participation of legal counsel will be required throughout the process.

The role of legal counsel is to:

- Provide legal advice to the FNHC, the GWG, the Chair, and the CEO
- Participate in tripartite meetings and working groups
- Prepare documents and other materials as requested by the FNHC, the GWG, the Chair and the CEO

TECHNICAL SUPPORT

A number of subject-matter experts may be contracted to provide support on specific issues.

The role of this technical support is to:

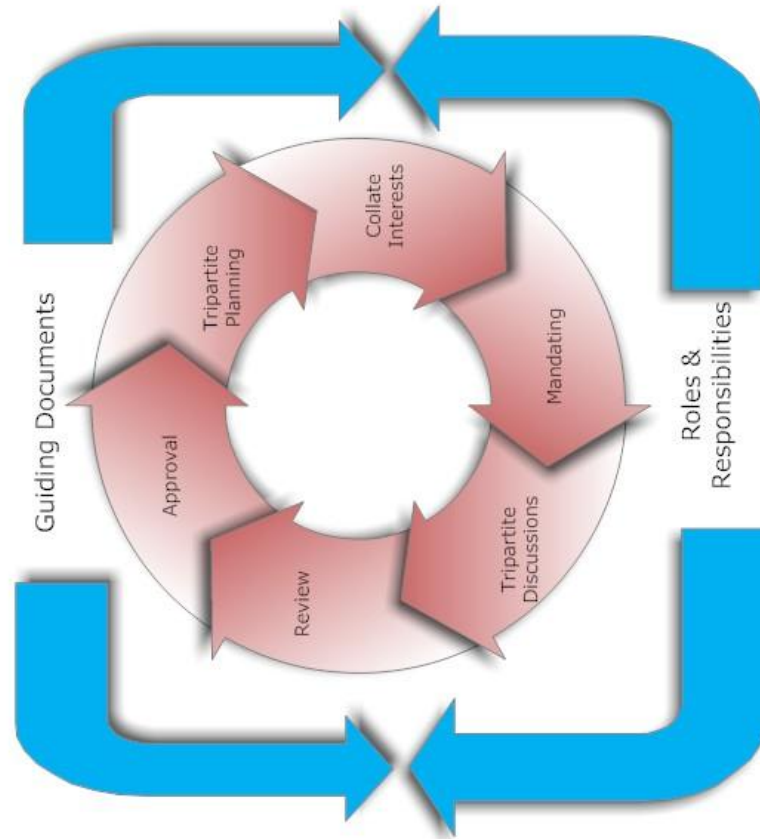
- Provide expert technical advice to the FNHC, the GWG and the Chair on specific subject matter
- Participate in tripartite meetings and working groups
- Prepare research, analysis, advice and other documents and materials as requested by the FNHC, the GWG, the Chair and the CEO

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PREPARATION, MANDATING & REPORTING PROCESS

The FNHC will implement the direction that First Nations have provided in the Guiding Documents, and the roles and responsibilities outlined above, through the following process.



- **Tripartite Planning:** A plan for the implementation of the Framework Agreement completed in collaboration with tripartite partners
- **Collate Interests:** Feedback from First Nations is collated from the past four years with respect to the sub-agreement issues.
- **Mandating:** Based on the interests identified, and as applicable, mandates for the sub-agreements and other key documents are drafted, vetted by the GWG and interim FNHA, and approved by the FNHC.
- **Tripartite Discussions:** Support teams engage in discussions with tripartite partners to develop draft sub-agreements consistent with the Guiding Documents and mandate statements.
- **Review and Consensus-Building:** Draft sub-agreements are reviewed and vetted amongst the GWG, interim FNHA and FNHC and reworked as required.
- **Approval:** The FNHC approves finalized sub-agreements, and directs the interim FNHA Board of Directors to sign the sub-agreements.

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This flowchart is another way to illustrate the preparation, mandating, and reporting process:

