

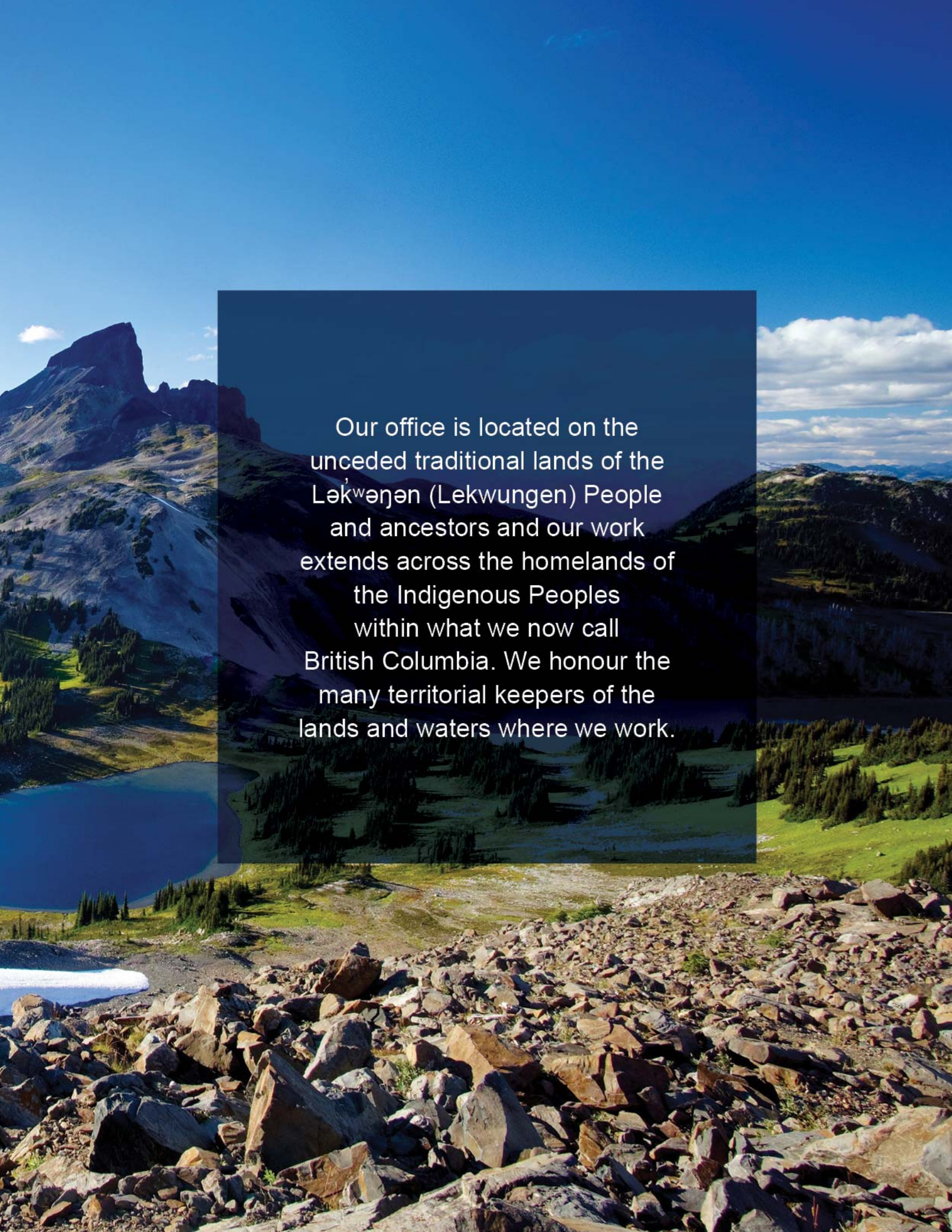
INDIGENOUS COMMUNITIES SERVICES PLAN PHASE I

2022-2023



OMBUDSPERSON
BRITISH COLUMBIA

November 2021



Our office is located on the
unceded traditional lands of the
Lək'wəŋən (Lekwungen) People
and ancestors and our work
extends across the homelands of
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within what we now call
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“The wolf has long been a symbol of guardianship, loyalty and most of all spirit. Always present in the shadows having watchful eyes on the territories, ensuring we are safe and reminding us the land is here. Not often is the wolf seen during the day, but most often in the evenings among the moonlit skies. Just as the Ombudsperson reflects in the work they do working diligently to ensure rights of people are met.”

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Background

The Ombudsperson has identified the need to improve services to Indigenous people and to develop a plan to do so in collaboration with Indigenous communities. Funding was requested and approved for plan development starting in 2020/21.

Plan development was supported by an Indigenous Liaison position for two years and consultation funding for the second year.

The Ombudsperson committed to return with a plan to the Select Standing Committee on Finance and Government Services as part of the 2022/23 budget request.

Activities to Date

A number of activities have taken place despite the challenges of the pandemic:

- Training inventory of Ombudsperson staff
- Initial Dialogue with all staff
- Five Community Round Tables and four Focus Groups all held virtually
- What We Heard: Indigenous Community Services Plan Community Engagement Summary released publicly
- Numerous sessions held to improve staff cultural literacy
- Community consultation feedback presented to all teams for development of activities linked to team goals
- Indigenous initiatives were connected to the Ombudsperson's Diversity and Inclusion Initiative
- Planning is underway for nine regional/community consultations with First Nations, Indigenous Communities and Urban Indigenous populations including Inuit and Métis people and youth to take place in the fourth quarter of fiscal year 2021/22.

What We Heard: Community Engagement Summary

In March 2021, the Office of the BC Ombudsperson held four Focus Group Sessions on key themes that emerged during five Round Table sessions with Indigenous Community Service Providers held in January and February 2021. The key themes identified by the community service providers were: Incorporating Indigenous Knowledge; Building Trust with Communities; Ensuring Cultural Safety in the Ombudsperson's Processes; and, Creating Transparency and Accountability. The work acknowledges the importance of reconciliation and the responsibility to contribute fully to the healing and well-being of Indigenous peoples and their communities.

A key concern we heard from community is the need to build trust with Indigenous people and communities through consistency, presence and modelling accountability and transparency in our practices. The community asked that our ICSP development process be afforded the proper time and space to develop meaningful changes that promote congruency across staff, teams, policies and procedures. Large gaps in public services and overrepresentation of Indigenous peoples in many areas and ministries under our jurisdiction require a deeper look at the barriers and challenges Indigenous people face when accessing our office to bring forward complaints

about unfairness they may be experiencing by public authorities under the Ombudsperson's jurisdiction.

The consultation summary is attached as an Appendix to this report.

In Plain Sight Report

In November 2020, *In Plain Sight*, the report of the Addressing Racism Review into Indigenous-specific racism and discrimination in British Columbia's health care system was released. The report's recommendations identified a number of issues that informed the Ombudsperson's ICSP development.

Five recommendations and associated key details are particularly relevant to the Ombudsperson's statutory mandate under the *Ombudsperson Act* and the *Public Interest Disclosure Act*.

Recommendations	Key Details
#2 That the B.C. government, in collaboration and cooperation with Indigenous peoples in B.C., develop appropriate policy foundations and implement legislative changes to require anti-racism and "hard-wire" cultural safety, including an <i>Anti-Racism Act</i> and other critical changes in existing laws, policies, regulations and practices, ensuring that this effort aligns with the <i>UN Declaration</i> as required by <i>DRIPA</i>	The B.C. government to: <ul style="list-style-type: none">• Introduce amendments to the <i>Patient Care Quality Review Board Act</i> to:<ul style="list-style-type: none">– Require the Patient Care Quality Review Board to advise an individual that if they are unsatisfied with the outcome of their complaint they may complain to the Ombudsperson, and provide the contact information for doing so.
#4 That the B.C. government, First Nations governing bodies and representative organizations, and MNBC jointly establish the Office of the Indigenous Health Representative and Advocate with legislative recognition and authority to provide a single, accessible, supportive, adequately funded resource for early intervention and dispute resolution for Indigenous people who require assistance to navigate, fully benefit from, and resolve problems within, B.C.'s health care system, including all health authorities, regulatory colleges and other health providers. The position should be reviewed in five years after establishment to determine if it has been effective in rooting out racism in the B.C. health care system.	The B.C. Indigenous Health Representative and Advocate position to: <ul style="list-style-type: none">• Provide support to Indigenous complainants with regard to their concerns about the health care system, including representation before the patient care quality boards, Human Rights Tribunal and the Ombudsperson.

#5

That the B.C. government, First Nations governing bodies and representative organizations, and MNBC jointly develop a strategy to improve the patient complaint processes to address individual and systemic Indigenous-specific racism.

Require that complaints processes advise Indigenous complainants, at the earliest opportunity, of the services of the Indigenous Health Representative and Advocate, and the roles that can be played by the Ombudsperson.

#11

That the B.C. government continue efforts to strengthen employee “speak-up” culture throughout the entire health care system so employees can identify and disclose information relating to Indigenous-specific racism or any other matter, by applying the *Public Interest Disclosure Act* (PIDA) to employees throughout the health care sector without further delay.

A speak-up culture will:

- Apply to all aspects of the health care system
 - Make regulatory changes as soon as possible to ensure that health employees are included in the class of persons protected under PIDA (SBC 2018, Chapter 22).
 - Strengthen codes of ethics and anti-Indigenous racism workplace standards.
 - Designate ethics and standards of conduct advisors in all health authorities and health care professions.
-

#12

That the Ombudsperson consider including a focus on Indigenous-specific racism in the health care system as a key priority and seek input from appropriate partners on current plans to strengthen this priority through engagement, special activities to promote greater fairness in public services to Indigenous peoples, and reporting to the public on progress.

Addressing Indigenous-specific racism in health care through the Ombudsperson to:

- Engage on best approach to transition the current telephone line, email and website established for this Review to the Ombudsperson.
 - Consider including Indigenous-specific racism in the health care system as a core priority in the Indigenous Communities Services Plan currently being developed by the Ombudsperson, in collaboration and cooperation with Indigenous peoples, by mid-fiscal 2021/22.
 - Provide advice and support to the creation of the Indigenous Health Representative and Advocate and consider the appropriate structured collaborative relationship to address Indigenous-specific racism and related matters.
-

As identified in the key detail associated with Recommendation 12, the Ombudsperson has, since the end of the review, hosted the review’s telephone reporting service. We receive emails and calls from Indigenous peoples who speak to their experiences and concerns. We help Indigenous peoples navigate the complaint processes, or help with accessing health records and making referrals. Where appropriate, the caller is referred to the appropriate investigative team within the Ombudsperson’s office for investigation of their complaint.

Our New Strategic Plan

In our Strategic Plan for 2021-2026, we identified a number of commitments that relate either directly or indirectly to improvements in our Indigenous services. These commitments centre around improving the awareness, accessibility, and effectiveness of our services for underrepresented communities and groups distinctly and disproportionately impacted by structural inequity and ongoing colonialism.

Goal six of our Strategic Plan is “advance and support Reconciliation through our work with Indigenous Peoples.” Under this goal, we position ourselves in ongoing committed relationships of renewal, reciprocity, responsibility and respect with Indigenous communities and organizations. This responsive partnered approach will link to all aspects of our work, encouraging an enhanced understanding and expansion of who we serve, how we serve, and what accountability and transparency mechanisms are desired, feasible, and effective in this service delivery.

Internal capacity development is essential to these service delivery improvements. We will develop guidelines for collaboration and referral resources, and provide regular training on the legal frameworks, shared histories and colonial structures that impact Indigenous peoples, as well as culturally safe strategies and trauma-informed approaches for working with people of varying backgrounds, lived experiences and identities.

Extended Period for Consultation

Originally the ICSP was to be developed in the 2020/21 and 2021/22 fiscal years. Sufficient progress was expected so that the full plan could be considered as part of the current 2022/23 budget process

However, the entire period of the plan development has been concurrent with the COVID-19 pandemic. In addition, the confirmed findings regarding deaths at Kamloops Indian residential school and subsequently at other residential schools have meant that respectful consultation will have to await a time when Indigenous communities indicate that they are ready for consultations. These two factors have significantly impacted the timing of meaningful consultation with Indigenous communities. We have been successful in holding nine virtual sessions with service providers and associated individuals. However, a number of consultations with First Nations, related Indigenous communities and regional organizations, Métis people, youth and others have not yet occurred.

Moving to a Phased Approach

As noted above, the complete ICSP has taken longer to develop than originally anticipated because respectful consultations need to occur when Indigenous communities can participate meaningfully. This year, Indigenous communities have been focused on responding to the unmarked graves on residential school grounds across the country and responding to COVID-19 in their communities. We are planning to proceed with community consultations with Indigenous political organizations in January – March 2022 provided communities are able to participate at that time.

In further recognition of the events noted above, we have decided that we will shift to a phased approach so that we can maintain momentum and commence implementation of needed measures while consulting further on the broader plan.

PHASE ONE

Phase one will be launched early in fiscal 2022/23. Phase One will be comprised of four elements:

1. Continued funding for the Indigenous Liaison Officer for one year.
2. Minor funding for consultation honoraria.
3. A policy analyst for a two-year period to support our review of policies and prepare necessary documentation for new policies and information manuals. This position will also support the Ombudsperson's diversity and inclusion initiative as synergies exist across both initiatives.
4. Five regional liaison navigators to be established. These will be part-time, contracted positions. These roles will assist in building connections to the Ombudsperson in Indigenous communities across the province, hold open houses and other information sessions, and help Indigenous people bring forward complaints about public bodies under our jurisdiction and navigate our process.

PHASE TWO

Consultations will continue throughout the rest of 2021/22 and into the first part of 2022/23. As part of these further dialogues, planning is already underway for nine consultation sessions with First Nations, Métis, Inuit, Urban Indigenous communities and youth.

Once our consultations are complete in the fall of 2022 we will develop Phase Two of the ICSP and, if there are associated budget implications, identify those as part of the 2023/24 budget process.

Appendix: *What We Heard*

WHAT WE HEARD: INDIGENOUS COMMUNITIES SERVICES PLAN

COMMUNITY ENGAGEMENT SUMMARY




OMBUDSPERSON
BRITISH COLUMBIA

September 2021



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SUMMARY

In March 2021, the Office of the BC Ombudsperson held four Focus Group Sessions on key themes that emerged during Round Table sessions with Indigenous Community Service Providers held in January and February 2021. The themes were: Incorporating Indigenous Knowledge; Building Trust with Communities; Ensuring Cultural Safety in the Ombudsperson's Processes; and, Creating Transparency and Accountability. This summary details what was shared in the Focus Group Sessions.

The work we are setting out to do must begin with active acknowledgement of the importance of reconciliation work in B.C. Every public office has the responsibility to contribute fully to the healing and well-being of Indigenous peoples and their communities. This commitment entails many things, but at the forefront is making space and time, and listening with an open heart and an open mind. This ought to be done with compassion and respect when learning about current lived experiences brought on by historical and ongoing harms done to Indigenous peoples. Only through a willingness to learn can we begin to understand why the healing Indigenous people are doing is important and the role we can play in that work.

What we heard about taking decolonizing approaches begins with understanding the rich diversity of cultures, histories and lives of Indigenous peoples across British Columbia. In the spirit of, **"Nothing about us, without us,"** it is vital to be in *"circle"* with one another, and ensure a safe community engagement process.

We learned also about the extent to which there are large gaps in public services and overrepresentation of Indigenous peoples in many areas. Often this is linked to the dislocation and displacement of Indigenous peoples from their traditional territories and families. We heard that the Daniels Decision in 2015 states that the Canadian government has a fiduciary responsibility to all Indigenous peoples, including on- and off-reserve, status and non-status peoples. This summary acknowledges the many barriers and challenges Indigenous people face when accessing our office to bring forward complaints about unfairness they may be experiencing with public bodies.

We heard that there needs to be a foundation upon which our Indigenous Initiatives can be woven together with community and held up by all staff and departments. Access barriers are rooted in settler-colonialism and the systemic racism it engenders. As such, participants recommended we do a review of internal processes and move towards decolonial approaches; for example, focusing on trust-based relationship building within communities.

We heard that to get to the root of injustices we need to acknowledge the colonial norms that perpetuate inequity. Many participants pointed to various inquiry reports that have not yet inspired the change they advocate for, thus furthering mistrust.

We learned that we need to share back what we heard from community to build a reciprocal process for renewal and feedback gathering. The process cannot be transactional; it was recommended that we have a presence and make every effort to give

back to the community. An open relationship of communication can be one of the measures to use if we are building a practice that is culturally safe.

Furthermore, we heard that our concept of fairness must take into account different cultural contexts. We were told to seek guidance from cultural teachers and elders. All staff and leadership are encouraged to do the important work of self-reflecting and educating themselves and their non-Indigenous colleagues on Indigenous issues. We heard encouragement from the community that non-Indigenous people should seek to get out of their comfort zone and find, build and create opportunities to participate in culture and ceremony, where appropriate.

We heard the community express issues around trust, and that in building genuine relationships, there needs to be consistent, honest and open communication. To foster trust, and maintain relationships grounded in reciprocal accountability rather than outcome-focused transactional measurements, steps need to be taken to center relationships first. We heard that we need to move at the speed of trust; relationships take time. We learned that cultural safety will take a shift in practice, and we were advised to become person-centered and strengths-based, to respect the integrity and autonomy of Indigenous peoples.

Participants stressed that if we want to make systems more fair for Indigenous peoples, we must first recognize and work to eliminate racism if we see it in our investigations or within our organization. We will be guided by principles of proactive transparency and accountability. Our first measure of commitment

to this objective is this feedback report. We thank those who so generously shared their knowledge and experience, and will respect this gift by translating it into our Indigenous Communities Service Plan.

We would like to thank all the participants that joined the preliminary Round Table sessions and the Focus Group community engagements for being generous with your time and your heartfelt feedback.

I. WHY DEVELOP AN INDIGENOUS COMMUNITIES SERVICES PLAN



1.1. About the Ombudsperson's Office

The Ombudsperson assists with and investigates complaints from members of the public about the administration of provincial and local public sector programs and services in B.C. We have a statutory mandate to receive and investigate complaints from the public if they believe they have been treated unfairly by these bodies.

1.2 Purpose of the Indigenous Communities Services Plan

The BC Ombudsperson is committed to supporting and actively advancing reconciliation through our work with Indigenous peoples. Through our Indigenous Communities Services Plan (ICSP) currently under development, we aim to strengthen our partnerships with Indigenous service providers, community leaders and individuals to ensure all Indigenous peoples across B.C. are treated fairly by provincial and local public authorities under our jurisdiction as set out in the *Ombudsperson Act*.

The ICSP will set out a framework for how the office will work collaboratively with Indigenous peoples.

We aim to center relational practice and culturally-informed approaches in our outreach strategies to reach a diverse and comprehensive array of Indigenous communities and people. Consultations, as the first post-research stage of the ICSP development process, have begun with initial Round Tables and Focus Groups to witness and listen to the questions, concerns and suggestions of Indigenous service providers and communities. This is critical in laying a foundation of values and principles on which to build the ICSP.

The ICSP is meant to be developed in service of, and in collaboration with, Indigenous service providers, stakeholders, representative organizations, rural and urban on- and off-reserve community members and leadership, and Métis and Inuit peoples, including political groups such as the Assembly of First Nations, the First Nations Summit and the Union of B.C. Indian Chiefs. While there will be an initial ICSP, this is understood and intended to be, an ongoing, integrative process.

2. OUR APPROACH



The topics of our focus groups were determined according to the key themes that arose out of our earlier round table discussions with Indigenous service providers. These discussions were organized by service provider sector so as to receive a broad range of input, allow for network building among participants and to introduce ourselves in the first step of relationship-building.

The stories and experiences so generously shared with us during these round tables were invaluable, and have been instrumental in guiding our ongoing consultative plan. We must express our gratitude to these service providers for helping initiate a reflective dialogue around the most meaningful ways we can begin decolonizing and supporting reconciliation in all of our actions.

Participants reinforced that it is vital that our community engagement, listening and witnessing be done in a respectful and culturally appropriate way. The sharing back of what we heard at our initial engagement sessions is an exercise in transparency and accountability where we uphold our responsibility to those who so generously offered their experience and input. Although the focus groups involved consultation and not research, we strive to align our community engagement methods with the ownership, control, access, and possession (OCAP) principles expressing how First Nations data should be collected, protected, used and shared.¹

Our mindful approach to witnessing, documenting and learning from engagements will serve as the developmental foundation for relationships-based, decolonized guidelines for principles and practices to inform our plan.

Participants stressed that it is important to understand information and stories as expressions of Indigenous values, principles and perspectives. As such, it is imperative for us to work with cultural safety and humility in mind. The ICSP development process can honour Indigenous perspectives and approaches by using the Aboriginal Code of Professional Conduct 7R's:²

- Relationship: to be in connection with
- Recognition: awareness and acceptance
- Reconciliation: reestablishing, balancing, cooperating
- Responsiveness: answering, influencing, being involved
- Respect: feeling and showing regard, to honour, to avoid violation or interference
- Redress: to set right, remedy or rectify, correct or reform
- Representation: having voice

This document will support the ICSP by identifying the appropriate tools and systems that ought to be in place and ensuring continuous learning is supported, goals are being met, emerging goals are identified, and a pathway is paved for our future Indigenous Initiatives activities.

¹ Ownership, Control, Access and Possession. URL: <https://fnigc.ca/ocap-training/>

² <https://traditionalnativehealing.com/tag/seven-rs>

3. HOW THE PLAN IS BEING DEVELOPED



The ICSP will be informed by three pillars:

1. acknowledging Indigenous Communities' need to heal and be heard;
2. identifying barriers and underlying conditions that perpetuate harms to Indigenous peoples; and,
3. recommending actions and approaches that need to be taken, alongside pre-conditions.

Each pillar is a direct result of the feedback heard in the Round Tables and Focus Groups.

3.1. What we have done to date

Round Tables January/February 2021				
Indigenous Justice Service Providers	Indigenous Children, Youth and Families Service Providers	Indigenous Education, Housing and Social Service Providers	Indigenous Health Service Providers	Indigenous Natural Resources and Environmental Entities

Focus Groups March 2021			
Incorporating Indigenous Knowledge in the Ombudsperson's Process	Building Trust with Communities	Ensuring Cultural Safety in the Ombudsperson's Process	Transparency and Accountability in the Indigenous Community Service Plan

3.2. Areas of focus for the Indigenous Communities Services Plan

Focus One: Raise awareness in Indigenous Communities of Ombudsperson's mandate.

We need to reach the people who need us, so they know who we are and how to access our services. We also need to understand what Indigenous communities already know about our office. The over-representation of Indigenous peoples receiving various public services we oversee suggests that Indigenous peoples experience racism and discrimination. This is well-documented, and we need to find our place in mitigating this systemic inequity. However, Indigenous people generally do not complain to our office in matching proportion, suggesting a lack of awareness of, or trust in, our services. In order to fill this accountability gap in a meaningful way, we must learn how to hold a culturally safe space for Indigenous stories of unfair treatment that are within our jurisdiction.

Focus Two: Developing Relationships with Indigenous Governments and Indigenous people.

We strive to gain enhanced understanding of what fairness means through an Indigenous lens. Recognizing that there is no one Indigenous perspective on fairness, we aim to develop an approach that is flexible and responsive. Part of this endeavor is an internal responsibility to analyze reports such as the *Royal Commission on Aboriginal Peoples*, *Truth and Reconciliation Calls to Action*, *Draft Principles of Relationship Building with Indigenous Peoples*, *Missing and Murdered Indigenous Women and Girls Calls for Justice*, *Jordan's Principle*, and *The United Nations Declaration on the Rights of Indigenous Peoples*. Through proactive reflective learning, our staff can become better prepared to learn Indigenous approaches to dispute resolution practices, understand cross-jurisdictional matters impacting Indigenous peoples, and offer educational opportunities and topics specific to Indigenous needs.

Focus Three: Developing the Indigenous Communities Services Plan.

Identifying key deliverables for an ongoing implementation plan informed by the learning activities and relationships carried out over the process.

3.3. Evaluation and Monitoring

Reflection of what was captured in the service provider engagement sessions is being shared back to the participants, community members, and other political and Indigenous organizations through this report. Stakeholders will also get a chance to review what we learned and take their own time to reflect on the guidelines that inform the values, principles and practices of the ICSP.

A self-reflection tool will be used within our office to measure employee confidence in understanding the guidelines presented by community and how they apply to the ICSP. This will be done early on and again towards the end of the process to measure growth in staff comfort and confidence in understanding Indigenous contexts and how they can inform the ICSP in their respective roles and teams.

To honour oral testimony and traditions, we will take opportunities to listen to Indigenous Community Service Providers, Indigenous community members and stakeholders (see page 5) on an ongoing basis. This can take the form of one-to-one consultations or small group sessions.

As was done with our 2017-2019 Prevention Initiatives program, implementation of the ICSP will undergo a third-party evaluation by a qualified evaluator. Details will be included in the ICSP.

3.4. Methodological Limitations

While we put great effort into researching and reaching out to service providers and organizations that would prospectively want to take part in the ICSP engagement sessions in a timely manner, there were undoubtedly limitations to our methodology. We recognize that participation was limited by baseline access barriers: only those who had public contact information, access to their email address at the time invites were sent, and access to internet services and ZOOM were able to participate. In addition, participation was limited to people who joined as part of their roles in their work, or could afford to take unpaid time out of their workday.

Participation was also limited for some by emotional triggers, as the context of being chronically underserved and mistreated by public authorities affected the ability of some to listen and actively take part in discussions. It saddens us that these discussions have the potential to induce such impacts. We will use trauma-informed training to adjust the process in ways that make it more safe and beneficial for all participants.

Some who could not attend due to such limitations expressed an interest in receiving summary materials afterwards, and we are more than happy to include people in that way.

Our initial engagement series was solely directed towards service providers and agencies; as such, it was not directed to specifically include the voices of youth, community members, or community leaders. Reaching and hearing from a broader diversity of community voices is desirable. Ultimately, we aim to gather as wide-reaching input as possible within our preparation timeframe, so that the ICSP is as comprehensive as possible. We are always welcome to feedback on our process – this can be communicated to the Indigenous Liaison Officer.

4. THE NEED TO HEAL



In order to understand how to best serve Indigenous peoples across B.C., including those in rural and remote areas and urban populations, we need to first acknowledge the tremendous amount of healing Indigenous peoples are going through, wherever they reside. We need to acknowledge that there is still a great amount of healing that needs to take place.

We acknowledge the intergenerational challenges that Indigenous people face and our need to outline and pay respect to the harms and inequities that were shared with us in the engagement sessions. This is where we recognize the various reports, inquiries and legislation that have outlined plainly the forms discrimination takes alongside prescribed remedial responses from different levels of government and the public service. We are naming and honoring what was shared and pointing to the historical contexts underlying the lived experiences of the stories shared with us.

4.1. Acknowledging what needs to heal

From all four focus groups there were many areas of mention that fell under the five sectors that the Round Tables sessions highlighted:

- Justice;
- Children Youth and Families;
- Education;
- Health Service Providers;
- Environmental and Natural Resource Entities.

Though there is a good cross section of examples we acknowledge and recognize the inter-connection and how Indigenous peoples and communities have acute understanding of those interconnections. This section highlights what was shared around healing from all four focus groups.

It was commonly expressed that the healing needs to begin within, including intergenerational trauma and healing from genocide and internalized racism. This

includes physical trauma experienced by the bodies of individuals and the land. Two participants noted the importance of *“healing first, then moving outward”*, and that reconciliation only begins when we validate the healing process. *“Right relations need to be preceded by decolonization.”*

We need to move beyond *“organizations that limit their protocols to talking **about** residential schools, but don’t talk about the perpetuation of settler-colonialism – committing it to the past.”* People are being harmed on an ongoing basis; there were mentions of addressing violence, what was described as *“red-on-red violence”*, and lack of safety. Much of what Indigenous people experience is done through the rejection of Indigenous principles (respect, generosity, reciprocity). Indigenous people are dislocated from their traditional territories, asking what can systems do to *“make sure that young Indigenous people in care have access to the teachings of their family.”*

Other areas of community that need addressing are the high proportion of Indigenous peoples who live with poor health, poverty, inadequate housing and food insecurity. There is a need to *“recognize the depth and continuity of Indigenous cultures, voices and lifeways.”* Participants told us there have been many lost celebrations and ceremonies due to the COVID-19 pandemic and restrictions.

Much of what we heard in the community engagement sessions highlighted the need to build relationships based on respect and reciprocity, as well as spending time together. Indigenous people need to be heard for relationships to build, and looking at the how we support Indigenous teachers/elders will all go a long way towards answering questions like: *“how can there be redress/repercussions to support accountable and transparent practices?”* All of this would build a trauma-informed practice and help form a resiliency/strengths-based approach.

4.2. Underlying historical contexts and barriers

There are many reports and inquiries that name and point to the ongoing systemic racism that impacts Indigenous people all across Canada and British Columbia. In this section we will recount what we heard in all four Focus Group Sessions. These will name the ongoing racism, discrimination and oppression that we heard Indigenous people face every day and how those barriers interfere with their ability to access services fully, freely and with assurance that they will receive welcoming, kind and non-judgmental service. The questions that were asked in the focus groups can be found in Appendix B.

The participants' responses in this section underline how historical experiences shape what Indigenous peoples face today and may help expose how those underlying problems can be addressed and highlighted (see the next section on Key Recommendations from Community). Acknowledging the deep history and barriers Indigenous peoples face is essential to begin the work necessary to learn, understand and change our practices to better serve Indigenous people, and confront and eliminate systemic racism.

If we peel back the layers of barriers, participants pointed to the colonial hierarchal approaches and normalized racism in government systems as being at the root of unfair treatment. Indigenous people today are still impacted by the *Indian Act*, as it still holds up assimilationist policies. As one participant noted, further results in “ongoing discrimination of non-status and Métis people.”

Participants emphasized that the historical erosion of trust can only be remedied through accountability. Accountability and transparency were named throughout the Round Tables (more about accountability and transparency in the next section.)

We heard that Western colonial approaches do not work for Indigenous people; instead “the Western way is keeping things quiet.” Instead of ignoring trauma or

committing harmful histories to the past, we learned that we need to name what we see and talk about it in a trauma-informed way. In order to name trauma or injustices when we see them, we need to begin by recognizing the power imbalance when it comes to Indigenous people having equal access to justice and to remove the common fear of speaking up.

Examples of direct harms named in the Round Tables and Focus Groups included interference with families/ children and unfair treatment of people accessing social services. It was noted that Indigenous peoples are seen as the “white man’s burden” and stereotyped for being over represented in income assistance offices. Indigenous people often don’t have equal access to basic services like education, health and transportation, especially in remote regions of British Columbia. They are disproportionately impacted by poverty, suicide, and other epidemics like the opioid crisis, gangs and the COVID-19 pandemic. Further, urban Indigenous people are struggling, as there are gaps in service outside of band jurisdiction.

There is a strong criticism that “reconciliation” and the use of the word is for government and not for Indigenous peoples. One person said, “Indigenous people should not have to reconcile with another way of being.” And, if we move forward without hearing from Indigenous communities, then we “agree to go [on] with differences that become something nobody did but everyone can fix.” The feeling that communities are left to sit with, and as they have since early settler-Indigenous relations, is that government does not want to admit wrongdoing, and further, governments deny (historically and repeatedly) their responsibility to follow through on their own promises. Participants named that wrongs are being recommitted and upheld: “how [wrongs] transform.” Someone shared that rather than acknowledging systemic failures, problems like lack of cultural safety and discrimination persist even in the face of exhaustive inquiries and reports evidencing the need for change.

There is a very real concern that the weight of the work will be solely put on Indigenous people. Though the

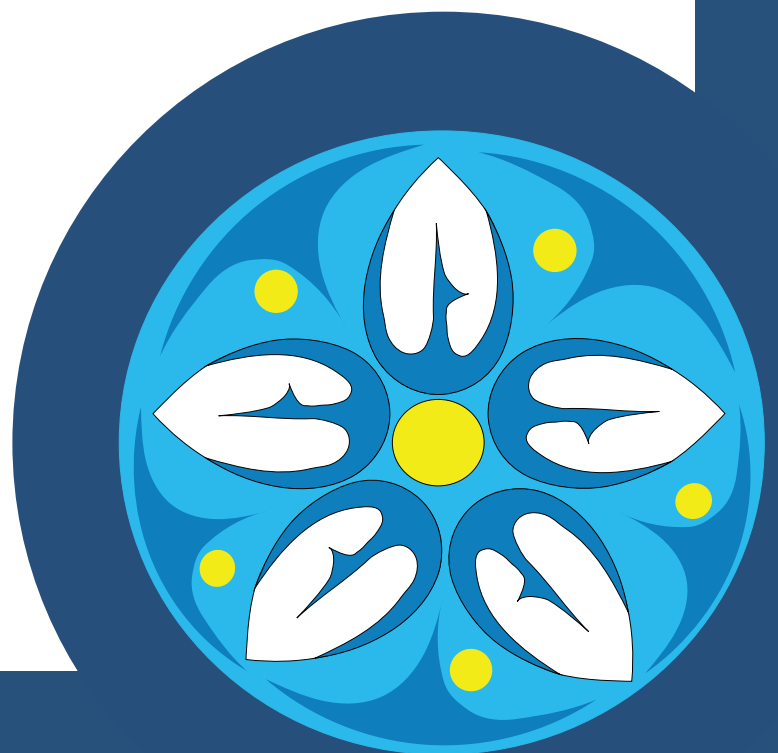
work needs to be Indigenous-led, consultation needs to happen with proper compensation, with the invested time and space given to do the work right. We heard at both the Round Table and Focus Group Sessions that government needs to roll up their sleeves and do the hard work. Further, building good relationships also requires time and space; *“there is no trust until you build a presence – before you can ask for things from people/communities.”* And *“consultations should **not** be transactional.”* Community involvement and engagement needs to be genuine, not tokenizing or virtue-signaling. At the same time, we need to be reminded not to assume all Indigenous people know about their culture.

To really build a practice that has cultural dexterity, we need to learn and embrace shared *“complex histories, identities and relationship dynamics.”* We heard incisive statements like: *“tokenized gestures don’t get to the inherent racism within the system,”* and *“when the whole structure is racist, how can it be culturally safe?”* Caring and inclusive approaches need to be considered in engagement processes. Look at the policies – do they support culturally safe decisions? Cultural competency alone does not qualify anyone as an expert on Indigenous affairs. Cultural safety should be defined by the client. We also heard of the need for the co-creation of definitions of *“cultural safety”* and *“fairness.”*

We heard a lot of concerns regarding the use of the word *“fair.”* Some participants expressed skepticism that Indigenous and non-Indigenous understandings of fairness will ever line up. Some individuals throughout the Round Tables and Focus Group Sessions stated they were triggered by the word *“fairness”* and the appearances of fairness. Someone said, *“As an Indigenous person I don’t know what fairness looks like.”* *“Does there need to be an overview of the word fairness?”* is a question someone asked.

While we have traditionally understood fairness through the law that guides our work – the *Ombudsperson Act* and the statutes and common law related to administrative law – we learned in our dialogue sessions that it has many meanings for Indigenous peoples and is intimately bound up in questions of equity.

5. KEY RECOMMENDATIONS FROM COMMUNITY



In this section, each sub-section is a review of the key recommendation and suggestions we heard in the specific Focus Group Sessions. Some of the key recommendations were repeated across the different focus group topics. For each focus group the direct quotes from the participants were sub-categorized. It is our goal to identify the deeper work that needs to take place.

5.1. Incorporating Indigenous Knowledge

Addressing power

Participants told us Indigenous people should be empowered and at the decision-making table. What would an Indigenous definition of fairness look like? We were told we need to actively leave out judgment and not come to pre-drawn conclusions, prescriptive or assumptive; impartiality is key. We must be willing to have difficult discussions and not just cherry-pick the easiest ideas or simply *“check the boxes.”* The most mentioned comment was that government needs to do the work. Right relations require proactive self-reflection, recognition and ownership of wrongdoing, and a commitment to action. Someone also said, *“the remedy must match the harm – can’t just say sorry.”* Counter bias and stigma by making space. *“Sometimes two-worlds can’t be married; we should instead aim for living respectfully side-by-side (Mohawk tradition).”* Someone also said, *“tension begs for real understanding of what ‘all my relations’ means and taking action.”* We heard a number of statements that reciprocity or mutual beneficial approaches mean that Indigenous and non-Indigenous peoples have to learn and retain knowledge.

Supporting self-determination

“Self-determination is fairness.” This sentiment was shared as a possible measure of whether we have reached reconciliation. A participant said that there are enough reports; we need to increase fairness for the vulnerable. Another question that was asked was, *“can we put equity first, fairness second?”* If equity were first we would be addressing further erasure,

homelessness, poverty, and the over-representation of Indigenous peoples in prisons and child welfare systems. Fairness is having uninterrupted space to explore Indigenous wellness, *“hiring and training our own people to close the gaps to success in whatever they want to do in their lives.”*

We heard that our office is limited in what we can do with respect to self-determination. However it was suggested we can, *“support decolonial practices and approaches to transform service delivery.”*

Cultural shift

“Putting the people who provide services into a much better place to understand and explain the importance of reconciliation and Indigenous-focused equity strategies,” was an important point that was made. Indigenous voices need to be heard, not censored, and Indigenous supports have to be equal to government supports. Don’t tie up the process in *“western time,”* [for example] people can’t just leave whenever. How can we incorporate culturally specific approaches? How can we create practices relevant to the regions? One very important practice is giving people gifts.

Centre on community-led solutions; the most mentioned recommendation was to build relationships with peoples and places, as well as to create space. One person said, *“network and educate.”* Honouring community-led solutions will require everyone to know whose land/issues we are on and whose laws we consult and apply. Properly acknowledge Indigenous knowledge keepers, honour storytelling, embrace language. Someone shared, *“language holds wisdom and knowledge”* and *“experiential learning and real cultural shifts can take place when [government] gets out of the institutional walls and out onto the territory.”* For example, *“public health workers need to experience culture firsthand to build cultural dexterity.”* Someone suggested that we need, *“processes that educate the heart.”*

5.2. Building Trust with Communities

Be in Relation with

As we heard before, we must “*start within,*” to “*rebuild trust in internal [Ombudsperson’s Office] relationships.*” How can we support staff to ensure their readiness to provide culturally safe services? Externally, people need to know what the Ombudsperson does, so they can begin to trust them. It was recommended to “*give space to be honest and listen to one another respectfully and hold each other up and honour one another, that’s where we want to see real transformation take place.*”

There were strong statements of how the Indigenous community services providers view trust in the Building Trust with Communities Focus Group:

- trust will grow as commitment to transparency and accountability are demonstrated;
- trust requires consistency;
- take the time for relationships; and,
- a relationship of trust is a relationship of equality.

Suggested ways to be in good relation begin with introductions. How can community relate to you if you don’t introduce yourself, following common West Coast protocols across B.C. (use introduction protocol, start by speaking about lineage, where you are from, and intentions). “*When in Coast Salish Territory, do what the Coast Salish do.*” If this approach is used we may better know what it feels like to “*have partnership and relationships grounded in reciprocal responsibility.*”

The hard work: listening and learning

Someone said, “*true reconciliation requires the mandatory following of community wishes.*” We were told to step outside of the colonial civility norms, to arrive with an open mind, open heart, and open spirit. It was recommended that we hold safe space for people to talk openly and freely. Someone said, “*take the time to review the Truth and Reconciliation*

Commission, don’t let it gather dust, help move it along in a trustful manner.” This could look like sharing the work or sharing emotion when it comes to [making] tough decisions. Ways we can move towards non-colonial methods are by learning protocol, proactively asking questions, and having respectful discussions about racism. Decolonial approaches look like people feeling welcome and included. “*When Indigenous people ‘walk in’ it’s a sign of trust, don’t fail it.*” Protection was also brought up when thinking about lateral retaliation following complaints.

Deepening the work

Knowing what deepening the work feels like or increasing the quality of the services we have could look like:

- keeping in touch;
- checking in;
- making sure people are okay;
- being present;
- holding constant honest and open communication;
- listening not to respond but to understand;
- laughing;
- taking initiative and showing up from a place of love, care and compassion.

Be in relation with learning - “*all knowledge is relational.*” Come and learn in these ways:

- visit us in our offices and on our lands;
- sit down and have coffee and attend our events;
- greet us in our language;
- trust is built 1:1 meetings and small gatherings;
- [participate through] ceremonies [and] celebrations;
- make space;
- attend dialogues and workshops;

- engage in cross-cultural exchange;
- have tea.

5.3. Ensuring Cultural Safety in the Ombudsperson's Process.

Addressing Cultural Safety in the system

Ensuring cultural safety when people come to our office was another rich dialogue that we had at our sessions. Here is some of what we heard:

"[If] the whole system is racist how can it be safe?"

If we want to reach reconciliation, reconciliation is about mandating systems change in how government does things. It has been suggested to start *"within"*, decolonizing individuals in order for systems, organizations and process to change. But someone posed the question, *"individually we can commit to culturally safe practices, but who is in control of that space?"* Go to the sources of the power, share that power and decolonize the organization's process (deep engagement into the office; the deeper the penetration, the deeper the change).

If leadership is not participating in building culturally safe practices and modelling cultural safety, how will it be passed down to staff? There should be real change in practice and policy, *"Look at policy; does it support culturally safe decisions?"* Give the process time. Look at how we respect Indigenous legal systems and Indigenous rights in a number of different contexts, including during so much change due to the COVID-19 pandemic. Investing in more resources for Indigenous services will be the way to reach goals and mandate changes as required.

What Cultural Safety looks like

As we've heard throughout the community engagement sessions, the ICSP process and work needs to be relationship-based, the *"main work is around relationships."* Have a strength-based and person-centered approach. Can we *"co-define"* what excellence looks like?

And we heard repeatedly of the need to make the space for time and trust. *"Don't rush, don't be rigid about agenda"*. Can we create cultural protocol guidelines? Cultural safety is being in relation to the host [nations]:

- center Indigenous voices;
- need to have trust and build presence;
- allow people to feel safe and heard;
- listen, don't judge;
- people need to want and be willing to listen;
- cultural humility is daily practice of listening, observing, and receiving feedback openly;
- fully acknowledge and respond to what people are saying;
- reconciliation is recognition, restoration and restitution; and,
- adopting practices that make BIPOC individuals feel welcome, rather than contributing to feelings that they don't *"fit"*.

Sharing in the work

How can people have support in accessing complaints system? Share the work with Elders and other Indigenous supports. Elders need to be involved from the brainstorm [concept] stage. Having Elders or other community members as a support or to facilitate and carry information. Someone suggested, *"incorporate as many Indigenous supports as possible."* The process should be given time and space to team-build and learn. *"Elders [can] help white people move beyond paralysis."*

We have heard that non-Indigenous people need to also take up the anti-racism work to help educate one another, as well as hold people to account when they are not being safe. This should not be left to Indigenous people alone. When meeting with community, it was advised that everyone should be taking something away from the discussion, and then they will be mutually productive and beneficial.

It was also suggested that every office should have an Elder to rely on for opening sessions and seeking guidance.

Culturally Rich Practices:

- ceremony, language and culture are sacred and won't survive without each other;
- encourage circle protocol;
- witnessing;
- understanding cultural background and history;
- creating space for prayer and smudging;
- supporting workplace ceremony;
- adapting yourself to the ceremony of the area;
- walking with open heart;
- knowing the land you're on and acknowledging it;
- being prepared by knowing what to bring and how circles work;
- hosting mini feasts;
- gifting;

5.4. Transparency and Accountability

Adding values

Participants offered the following advice:

- use a **strengths**-based approach;
- have **open dialogues**; be **brave**; be **truth-tellers**;
- **understand** and **recognize** the **diversity** of Indigenous communities;
- being **trauma informed** is step one;
- use **inclusive** language, and create inclusive processes.

Transparency

"Transparency should be the default, there should be nothing to hide," one Elder said. Everyone needs to hold everyone to account. It was also expressed that,

"transparency and trust form a mutually reinforcing cycle." Someone also said, *"explicitly state what we will do"* and look to the Indigenous community to ask what they need/have/want. The following points were made:

- demonstrate that we are listening;
- be reflective and relevant;
- indigenous voices need to be the focus;
- transparency soaks into someone's actions from their heart;
- raise awareness about our mandate, and promote resources and supports.

Accountability

It was said that we should have team leads work with communities until the end. And, as a separate thought but with the same sentiment of follow up, it was suggested to check in for feedback from those we serve. We need to be building a practice of accountability; we must explain to the people who we consulted why their perspectives might not appear in the formal plan documents. We were told that accountability processes could look like more accessible resources and supports such as community justice helpers, community navigators and/or consideration of regional offices. How can the government take responsibility like in the Daniels Decision, [which] underlines the federal government's fiduciary duty to all Indigenous people?

A big question throughout the community engagement sessions has been: How can the Ombudsperson's Office hold public service to be equitable in their practices around funding, and ensure that public services have the capacity to address racism? And how can we work to ensure that local governments and cities are more attentive to Indigenous peoples' needs?

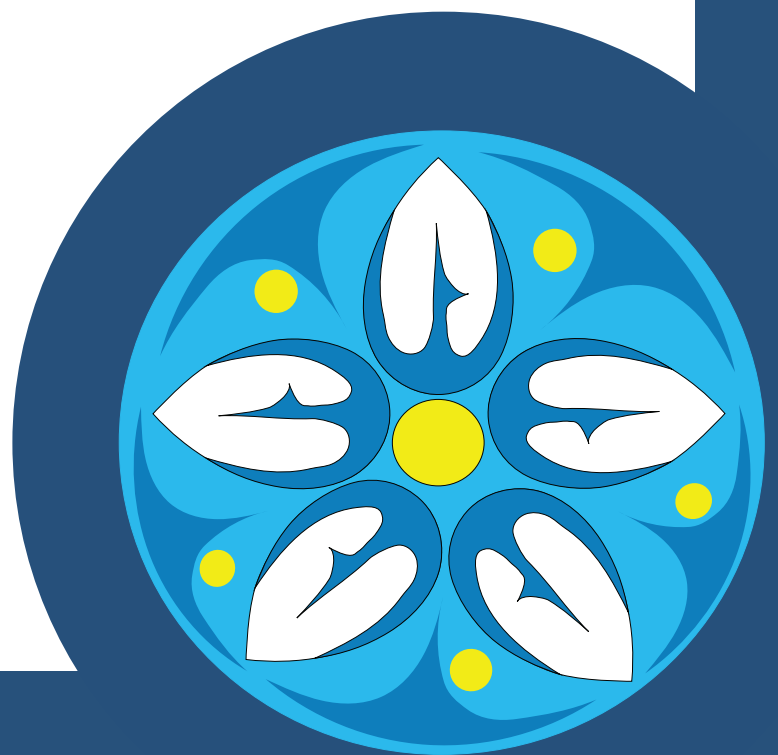
It was noted that any community engagement process must value the voices they are engaging with and

that Indigenous people have to take time out of their work day to participate and should be compensated. One person said, *“the Ombudsperson should be doing everything they can to support Indigenous self-determination.”* Other areas that the Ombudsperson’s Office should consider are related to standing with immigrant and newcomer families, women, and the BIPOC communities.

5.5 Incorporating suggestions into the plan

Participants presented a range of suggestions that will be valuable as we develop the Indigenous Communities Services Plan. The Ombudsperson is indebted to participants of the focus groups and round tables for their thoughtful consideration of the issues and their principled and practical ideas for how the Ombudsperson can deliver more inclusive, more impactful service to benefit Indigenous people across the province.

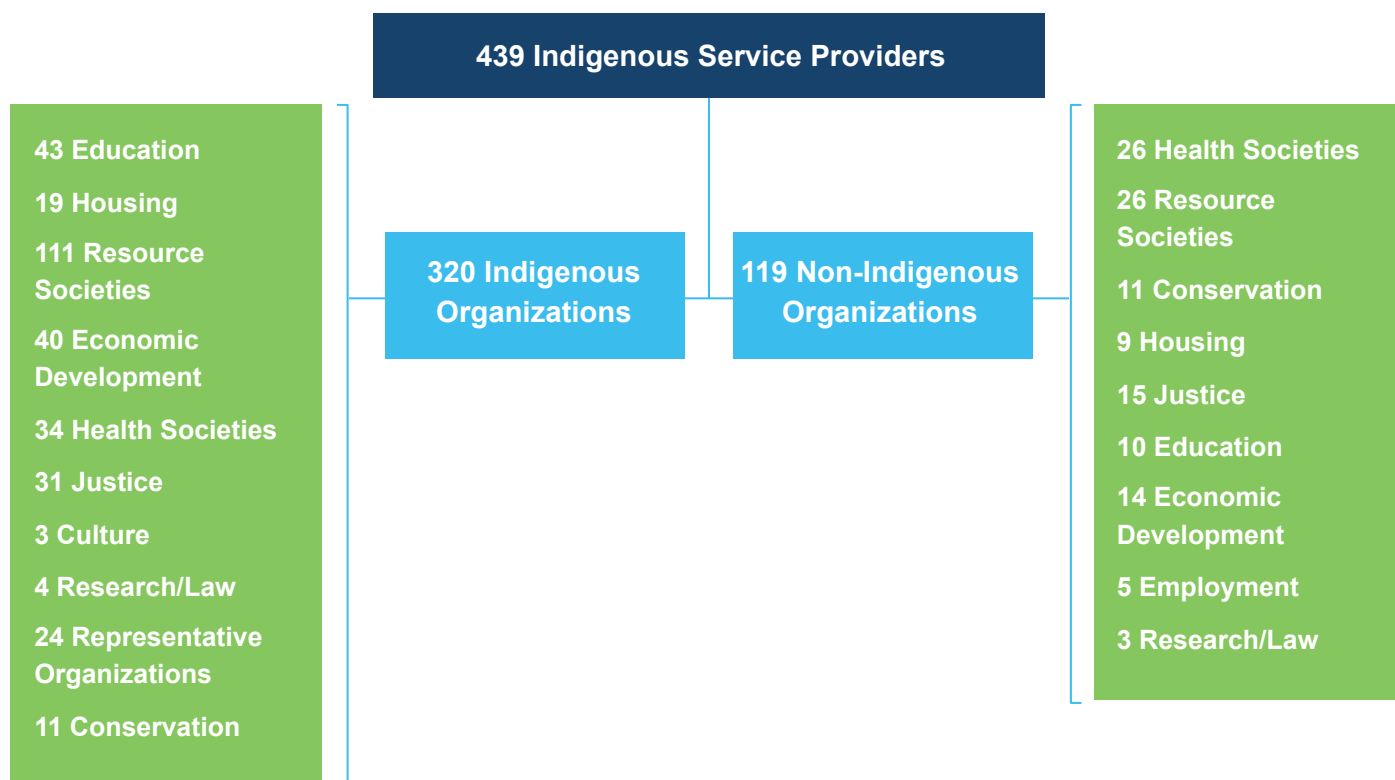
APPENDICES



Appendix A: Demographics

Indigenous Service Provider Engagement Sessions

January 2021 – March 2021



Round Table Series

Round Table	Date	# of Invites	# of Registrants	# of Attendees
Justice Services	01.19.21	82	55	36
Child, Youth & Family Services	01.20.21	120	52	44
Education, Housing & Social Services	01.25.21	175	45	47
Health Services	01.27.21	97	37	33
Natural Resources & Environment	02.04.21	106	13	11
Total		580	202	171
Total unique*			175	163

* These numbers are lower than the overall totals because some individuals registered for and attended more than one session

Focus Group Series

Focus Group	Date	# of Invites	# of Registrants	# of Attendees
1. Incorporating Indigenous Knowledge	03.16.21	580	101	72
2. Building Trust in Communities	03.16.21	580	94	50
3. Ensuring Cultural Safety	03.18.21	580	77	55
4. Transparency & Accountability	03.18.21	580	78	33
Total		580**	350	210
Total unique*			167	114

* These numbers are lower than the overall totals because some individuals registered for and attended more than one session

** This number does not include the additional attendees who were invited following the Round Table sessions

For both the Round Tables and Focus Group Sessions, the number of individual invitations is greater than the number of service organizations as in some cases multiple staff from a single organization were invited.

Appendix B: Oral Storytelling

Focus Group Questions

All questions are optional, and feedback treated anonymously. By participating in the focus groups, in this oral testimony, you are consenting to have your information used for the evaluation purposes.

Focus Group 1 – Incorporating Indigenous Knowledge in service delivery and sharing approaches

A. Engagement questions:

1. What does fairness look like through an Indigenous lens?
2. How have we seen Indigenous-led solutions transform service delivery?
 - a. How can they be embedded?
 - b. Or can anyone think of examples where they have seen this being done well.

B. Exploration questions:

1. What does resolution look like through an Indigenous lens?
2. How will we know that we've incorporated Ind. Knowledge in a good way?

C. Exit question:

Is there anything else you would like to say about incorporating Indigenous knowledge?

Focus Group 2 – Building Trust with Communities

A. Engagement questions:

1. What does trust feel or look like in community?
2. How have we been seeing 'right relations' or relationships being created in a good way in community?

B. Exploration questions:

1. What other words come to mind when we think about trust.
2. Have you had an experienced an instance where you felt trust right away? What helped with that?

C. Exit question:

Is there anything else you would like to say about building trust with communities?

Focus Group 3 – Ensuring Cultural Safety in the Complaints Processes

A. Engagement questions:

1. What cultural protocols have you seen or could you envision supporting the development of culturally safe practices?
2. What would excellence in cultural safety look like to your communities?

B. Exploration questions

1. What aspects of cultural safety training should be a priority?

2. What are some safe and meaningful ways to listen to people's stories?

C. Exit question:

Is there anything else you would like to say about creating cultural safety?

Focus Group 4 – Transparency and Accountability in the Ombudspersons Processes

A. Engagement questions:

1. How can our office be transparent and accountable as we're building an Indigenous Community Services Plan?

2. What problems have you seen in accountability of public bodies?

B. Exploration questions:

1. Where do we see transparency and accountability being done well?

2. How can we better build confidence in our process?

C. Exit question:

Is there anything else you would like to say about transparency and accountability in OMB process?

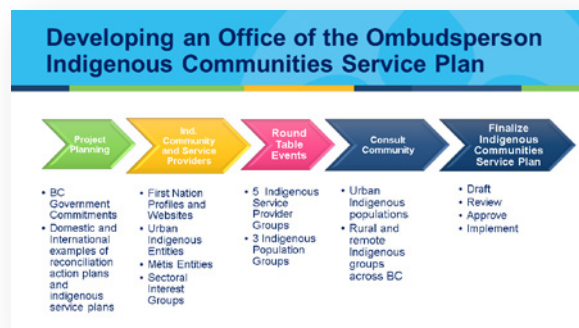
Appendix C: Focus Group Slides

Working towards an Indigenous Communities Services Plan for the Office of the Ombudsperson

Focus Groups

Dates: March 16th-18th, 2021

OMBUDSPERSON
BRITISH COLUMBIA



Territorial Acknowledgment

Songhees Nation

- Chief Ron Sam
- Councillor Don Albany
- Councillor Garry Albany
- Councillor Jackie Albany
- Councillor Garry Sam
- Councillor Karen Tunkara

Esquimalt Nation

- Chief Councillor Robert Thomas
- Councillorwoman Barb Lecoy
- Councillor John Thomas
- Councillor Rene Thomas
- Councillorwoman Millie Modeste

Other Nations Across BC

- 199 Other Indian Act "Bands" in BC
- Urban Indigenous Peoples from Nations Outside BC
- Métis Peoples in BC

What we did: January & February 2021

Round Table	Date
Indigenous Justice Service Providers	January 19
Indigenous Child, Youth and Family Service Providers	January 20
Indigenous Education, Housing and Social Service Providers	January 25
Indigenous Health Service Providers	January 27
Indigenous Natural Resources and Environment Related Service Providers	February 4

Agenda for Today

1. Ombudsperson: Role and Mandate
2. Round Tables: What we heard
3. Indigenous Knowledge: What we heard
4. Focus Group
5. Closing



What is an Ombudsperson?

OMBUDS-PERSON – A public advocate official who represents the interests of the public

- Investigates whether provincial and local organizations that provide public services follow **their own rules** and **treat people fairly**
- When the Ombudsperson finds provincial and local organizations have not followed **their own rules** or **treated people fairly**, we intervene and hold them accountable
- Provides support and training to provincial and local organizations to **help them ensure their rules and processes are fair**

Service Provider Collaboration: What we heard

- Through an Indigenous lens
- Work together
- Provide information

Oversight: What we heard

- There are many gaps in public services needing investigation
- Questions about awareness & process in the Ombuds Office
- Suggestions we heard

Building Trust with Communities: What we heard

- Relationship Building
- Continuity
- Truth
- Systemic Barriers

Resources:
[Engage Early, Engage Often](#), Indigenous engagement every step of the Reconciliation Dialogues EXAMPLE: [Towards a New Relationship Building Initiative for Indigenous Peoples in Canadian Workplaces](#)

"Relationships are So important – introductions are so important, Shows how we are related."

Public Education: What we heard

- Awareness of service
- Development of materials
- Communication strategy
- Professional development

Ensuring Cultural Safety: What we heard

- Decolonizing every step in the process
- Person-centred approach
- Safe Practice
- Language

Resources:
[In Plain Sight: Addressing Indigenous-specific Racism in BC's Health Care](#)
[Cultural Ability Competency](#), Government of BC

"Ensuring cultural safety. Includes decolonizing every part of the process."

Accountability: What we heard

- Transparency in the complaints process
- Take the time
- Proper Consultation in developing ICSP
- "Take initiative; build trust build bridges"

Transparency and Accountability in the Ombudsperson Process: What we heard

- Starting with Intake
- Monitoring and evaluation
- Actionable Ideas

Resources:
[Application for the Effects of Indigenous Peoples Act \(2018/2019\)](#)
[Access Granted](#)

"Indigenous people need to have full-blown inquests to get anything done and that is ridiculous."

Incorporating Indigenous Knowledge: What we heard

- How and when to seek and incorporate Indigenous Knowledge
- Incorporating Indigenous Knowledge in the resolution process
- Distinction based approach

Resources:
[Ownership, Control, Access and Possession](#)
 We cannot act on what we do not know. [A Grandmother's Perspective](#)

"There has to be a Mechanism to bring in traditional indigenous knowledge about dispute resolution."

Questions?

Contact our Indigenous Liaison Officer
 Name: Jolene Andrew
 Email: jandrew@bcmbudsperson.ca
 Phone number: 604-318-2855
 Website: bcmbudsperson.ca

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