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February 15, 2003

National Federation of Aboriginal Peoples (NFAP)
First Nations Building
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Dear NFAP representative:

First of all let me begin by thanking you again for hiring DES Consulting to conduct an evaluation of the efficiency and effectiveness of the Court Challenges Program. We look forward to completing this important task with you.

Attached you will find our most recent draft of the evaluation strategy for consideration by the NFAP sub-committee overseeing this work. We are eager to receive your comments and move forward towards implementing a final plan.

What follows is a general description of some key points that set the context for the attached evaluation strategy. We feel it is important that our consulting team and the NFAP sub-committee are approaching the evaluation with a common understanding of our goals and expected outcome and thus look forward to discussing these thoughts at our March 29th meeting with you.

The evaluation team has noted that NFAP is currently involved in a specific initiative involving rezoning laws funded under the Court Challenges Program (CCP). It is our understanding that it is this recent involvement that has motivated your current interest in an overall evaluation of the CCP from the perspective of its efficiency and effectiveness in serving Aboriginal people in Canada. To clarify then, we will be examining Aboriginal people's use of the CCP program in its entirety and not just in the context of land issues such as the current concern regarding the preservation of sacred lands.



Our team also wishes to let you know that the CCP is presently undergoing an evaluation by the federal government corresponding with the end of the present Contribution Agreement for the program (the federal government's commitment of funding and identification of program objectives). As such we are recommending that NFAP work in collaboration with the federal government evaluation process to enable some 'dovetailing' of our findings with their efforts. We wish to ensure you that we recognize the importance of remaining independent so that our results are not influenced by the federal political system. However, we feel that some degree of collaboration could prove an effective means of raising issues specific to the CCP's ability to address the needs of Aboriginal people. Current evaluation efforts are likely to influence the proceeding Contribution Agreement (as was the case with the 1997 evaluation proceeding the 1998 Contribution Agreement) and we feel that this is therefore an important time to raise issues related to the legal protection of the rights and freedoms of the Aboriginal people of Canada.

As requested, the attached evaluation report completes the evaluation framework provided to us by the NFAP (and based on the work of Prairie Research Associates for the Minister of the Department of Canadian Heritage, March 2002).

As indicated in the attached report we have proceeded as follows:

- We addressed your interest in evaluation issues (section 3) and specific evaluation questions (section 3) in both the areas of efficiency and effectiveness.
- We describe the steps we recommend taking to gather the required information both in the Method section of the strategy (section 2) and in the context of the specific evaluation questions.
- We speculate on issues the evaluation should address given the specific contexts and needs of Aboriginal communities in the description of both the Context of the evaluation (section 1) and the specific evaluation issues.
- We identify the long range effects of the CCP in the context of Aboriginal people and the way in which we would assess these in the discussion of both Method (section 2) and Effectiveness (section 3).

At the close of the attached evaluation strategy we have included a description of the challenges and opportunities we see facing us as well as recommendations for proceeding. We look forward to elaborating on these further when we meet.



D.E.S. Consulting

Should you require any further information, please do not hesitate to contact D. Roberts at the address and number above.

We thank you for the opportunity to be involved in this valuable evaluation project and look forward to hearing your reactions to the draft evaluation strategy at our scheduled meeting on March 29th in Vancouver. See you there.

Sincerely,

D. Roberts and Team
Dynamic Evaluation Solutions Consulting

Evaluation of the Court Challenges Program From the Perspective of Aboriginal People

Draft for Discussion

Prepared for:

The National Federation of Aboriginal Peoples

Prepared by:



DES CONSULTING

February 15, 2003

ACKNOWLEDGMENTS

The team at Dynamic Evaluation Solutions Consulting is grateful to the sub-committee of the National Federation of Aboriginal Peoples who continue to work with us in the development of this evaluation. Together we would like to acknowledge the work of Prairie Research Associates Inc. and the assistance of the people at the Court Challenges Program of Canada for sharing information on the current Court Challenges Program and for access to CCPC's information management system.

EXECUTIVE SUMMARY

This report outlines an evaluation plan for the Court Challenges Program (CCP) as administered by Court Challenges Program Canada (CCPC). Specifically, the evaluation plan focuses on the relevance and effect of the program for the Aboriginal People of Canada and has been prepared for the National Federation of Aboriginal Peoples (NFAP).

The historical relationship between Aboriginal peoples in Canada has been a challenging one which has been ameliorated in the recent past by changes in legislation leading to higher levels of Aboriginal self-government and autonomy.

Our evaluation team has proposed a multi-faceted, multi-informant methodological approach. This approach is based on principles of recognition, respect, sharing and responsibility. It also involves the integration of quantitative and qualitative research methods, keeping in mind rigorous psychometric standards (Tabachnick & Fidell, 2001).

Regarding the evaluation of program efficiency, it is critical for any program to examine how program outcomes compare to their costs. Therefore, one of the key elements of the proposed evaluation strategy is to compare costs and benefits of the Court Challenges Program (CCP) in a formal ex post efficiency assessment. The proposed efficiency assessment entails two main components: cost-effectiveness analyses and cost-benefit analyses. Given that procedures for measuring program costs and benefits are extremely complex and specialized, it is proposed that costing consultants and financial experts be hired to work hand in hand with relevant stakeholders from the Aboriginal community, NFAP, and CCP. It is also suggested that pertinent literature on costs related to CCP program activities and outputs be obtained from the CCPC information database.

Regarding the evaluation of effectiveness, our team has identified six outcome questions relating to the overall effectiveness of the CCP in promoting awareness of services, access to services, and successful resolutions among Aboriginal people. We have included preferred data collection strategies for each evaluation question.

The report includes a proposed budget and timeline. Opportunities and challenges of our proposed evaluation strategy are discussed. Specific recommendations include adding to the existing process a needs assessment and some further aspects of a process evaluation.

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1.0 INTRODUCTION

1.1 Current Context and Purpose of Evaluation

1.1.1 History and context of current evaluation

The Court Challenges Program (CCP) is a program that has a 20 year history of change to both structure and mandate. The current mandate of the program is to provide funding to minority and disadvantaged groups and individuals whose rights are constitutionally protected to assist their access to the justice system in situations where measures that could be adopted by governments could violate constitutional rights and freedom. Their stated mandate is the clarification of constitutional provisions relating to linguistic and equality rights. This program is administered by the Court Challenges Program of Canada (CCPC).

In 1998 the Department of Canadian Heritage and the Court Challenges Program of Canada (CCPC) signed a five year Contribution Agreement for the Court Challenges Program (CCP). This agreement ends March 31, 2003. Section 17.1 of the agreement commits the parties to complete and evaluation of the CCP.

The National Federation of Aboriginal Peoples (NFAP) is a collective organization of representatives of Canadian Aboriginal communities. This organization has been awarded funding under the Court Challenges Program to challenge recently passed rezoning laws which will have a direct impact upon land which is considered sacred by the Kouchibouguac Aboriginal people.

The NFAP has hired DES Consulting to complete an evaluation strategy for the CCP based on an incomplete evaluation framework initiated by CCP for its upcoming evaluation cycle. NFAP has emphasized their desire to involve as many Aboriginal community groups as possible in carrying out this evaluation.

The components identified by CCP include:

- What evaluation questions may be relevant to the community? (Aboriginal)
- What steps would you take to gather information to answers these issues/questions, given the remoteness of some communities and the need to be inclusive?
- Considering other issues that the evaluation should address (i.e. cultural, land, language) given the political and social context of Aboriginal communities.

- Identifying long-range effects/outcomes of the Court Challenges Program and how to assess these effects.

1.1.2 Socio-political context

The history of relations between the Aboriginal peoples and the Canadian government has been a challenging one. While the Aboriginal peoples have populated the North American continent for up to 40,000 years, European settlers began a process of colonialization with the goal of eventual assimilation of the Aboriginals into a more “civilized” society. Canada was founded on a series of agreements between European settlers and Aboriginal peoples; treaties. These treaties were replaced by Federal policies intended to:

- Remove Aboriginal people from their land
- Suppress Aboriginal nations and their governments
- Undermine Aboriginal Culture
- Stifle Aboriginal Identity

This relationship has undergone enormous change in the last century with the Federal Government still assuming a Protection role over the Aboriginal peoples up until the last twenty years. The Constitution Act of 1982 made a strong step forward in including existing Aboriginal treaty rights. New partnerships have been forged between the Federal government and Aboriginal groups. Four principles have been proposed as the basis for a renewed relationship. These include: recognition, respect, sharing and responsibility (Indian & Northern Affairs Canada Website).

“On December 2, 2002, the Minister of Indian Affairs and Northern Development introduced the First Nations Fiscal and Statistical Management Act in the House of Commons. This First Nations led initiative will establish a suite of national institutions that will improve the ability of First Nations governments to address the social and economic well-being of their communities (News Release Indian and Northern Affairs Canada)”.

While this legislation will pave the way toward new and empowering forms of self-government for the Aboriginal peoples, there are still systemic issues facing Aboriginal communities which inhibit their ability to be active participants in an evaluation process. It is these systemic issues which also make access to Federal programs challenging for First Nations communities.

These systemic issues include:

- Large proportions of Aboriginal peoples living in remote, rural and northern communities
- Linguistic diversity and gradual extinction
- Low levels of representation in Federal policy and legislative development
- High unemployment rates

- Low family income levels
- Housing shortages, deficiencies and overcrowding
- Suicide rates three to four times the national average
- Highest rates of alcoholism, diabetes, tuberculosis and prescription drug-use
- High rates of family violence
- Male incarceration rate of five times the national average
- Only 43% of Aboriginals obtaining some secondary schooling
- No data available on the numbers of Aboriginal people with access to computers and internet. However, two-thirds of band offices do have access to internet technology (Aboriginal Canada Portal).

These issues affect not only the ability of Aboriginal communities to access programs and information but also impact upon the availability of resources of communities; if all of your psychological, educational, physical and health resources are tied up in managing housing, education, health and financial crises access to programming at the Federal level will be a challenge.

Given this socio-political context general themes can be identified which will be emphasized throughout the evaluation strategy.

These include:

- Ensuring adequate coverage of rural, remote and northern communities,
- Ensuring linguistic diversity in evaluation teams,
- Ensuring Aboriginal representation on evaluation teams in particular to ensure the cooperation and participation of all possible communities,
- Awareness of educational, linguistic and cultural differences in the development of evaluation measures,
- Collaboration with band government to ensure appropriateness of evaluation questions and to provide opportunities of local government and communities to add to the evaluation questions where appropriate,
- Developing evaluation strategies that ensure that lack of financial resources do not prohibit participation in the evaluation.

Mirroring the collaborative principles of *recognition, respect, sharing and responsibility* developed for future relationships between the Federal Government and Aboriginal peoples, these principles will be incorporated into the design and implementation of the evaluation.

2.0 METHOD

2.1 Evaluation Design

The principles of *recognition, respect, sharing and responsibility* have been used to propose the method for use in this evaluation. Our method is based on the following themes, as identified above in the section on socio-political context:

- Ensuring adequate coverage of rural, remote and northern communities
- Ensuring linguistic diversity in evaluation teams
- Ensuring Aboriginal representation on evaluation teams in particular to ensure the cooperation and participation of all possible communities
- Awareness of educational, linguistic and cultural differences in the development of evaluation measures
- Collaboration with band government to ensure appropriateness of evaluation questions and to provide opportunities of local government and communities to add to the evaluation questions where appropriate
- Developing evaluation strategies that ensure that lack of financial resources do not prohibit participation in the evaluation

Wherever possible, Aboriginal consultants of diverse linguistic and band status will be sought for collaboration. A multi-information, multi-approach method will be used in the gathering of data for the evaluation.

An initial literature search will be performed to identify key program and research-based initiatives that will aid in the evaluation.

The methodological approaches selected for this evaluation focused on formulating conclusions in relation to the specific evaluation questions. The four methods of data collections were as follows:

- 1) Key informant interviews with professional and community agencies.

- 2) Evaluation and analysis of existing MIS database.

Several modifications may be necessary to the existing MIS procedures before full tracking and analysis can take place. For example, differentiation between regional and linguistic Aboriginal historical groups.

- 3) Focus group consultations with potential consumers of CCP funding, administrators and Aboriginal government.

- 4) Survey data from a large randomized sample of target communities and individuals.

The traditional survey approach may not be considered culturally sensitive and all evaluation material will be offered both in written forms, through interpreters and in diverse Aboriginal languages. Additionally, options will be developed through the use of a consumer driven approach to participate orally with volunteers and paid staff operating in communities to facilitate comprehensive coverage of targeted communities and individuals.

For the purposes of this evaluation, an energetic approach to the identification of stakeholders will be taken. Those identified may include community groups and agencies, individuals in Aboriginal communities, the government and the Canadian populous.

Participants: Those people and groups who have participated in the program in the past, present or future. This can include staff, policy persons, consultants, lawyers, planners, communities, agencies and Government groups.

Beneficiaries: those people and groups who have received funding.

Indirect Beneficiaries: those people and groups who are not recipients of the program funding but who benefit from others who are beneficiaries.

Other Impactees: those people and groups who did not participate in the program but who were impacted by it in some way, either positively or negatively. For example, members of other Aboriginal communities endeavoring to seek funding or undertake similar litigious action.

Government officials, elected officials, government employees with a relevant interest.

Program directors, staff, band government etc.

Policy-makers

Community and interest groups, including those that might have a different agenda from the CCP program structure.

In addition to identification of stakeholders at all points in the evaluation, all efforts will be taken to ensure that evaluation processes take place in the communities, with members of the communities acting as facilitators and emphasizing the use of the oral tradition in the process of data collection.

The information for this report has been derived from a review of literature related to cultural sensitivity, Aboriginal issues and relations with government and Federal Government materials.

3.0 EVALUATION STRATEGY

3.1 Efficiency Evaluation

3.1.1 Evaluation Issues

It is critical for any program to examine how program outcomes compare to their costs. Such investigations provide information for making decisions on resources allocation, for rallying support from various socio-political organisms, and for determining whether programs should be expanded, continued or terminated (Rossi, Freeman, Lipsey, 1999, p.365). Therefore, one of the key elements of the proposed evaluation strategy will be to compare costs and benefits of the Court Challenges Program (CCP) in a formal ex post efficiency assessment. (An ex post analysis was chosen given that the CCP program has already been implemented, making an ex ante analysis impossible.)

The proposed efficiency assessment strategy for the CCP is comprehensive in that it entails two main components: cost-effectiveness analyses and cost-benefit analyses. The cost-effective analyses will seek to evaluate the CCP's efficacy by looking at whether program costs allow the achievement of desired program outcomes. The cost-benefit analyses will determine whether the CCP is an economically proficient program by clarifying and comparing the relationship between costs and outcomes in monetary terms. A ratio of program benefits versus program costs can then be used to 1) ascertain the potential impact of the program (what would it be like were these kinds of services not available?) and 2) to compare the impact of the CCP to that of similar program services (are similar programs less costly/more beneficial?). The following strategy outlines the evaluative questions for each type of sub-analysis, followed by methodological tools used, and other relevant assessment issues (timing of analyses).

3.1.2. Evaluation Questions

A) Cost-Effectiveness Analyses

Are operation costs of the CCP sufficient to allow the achievement of desired program outcomes?

This question looks at whether the financial amounts allotted to each program activity are sufficient to allow for desired program outcomes. For example, is sufficient money spent on promotional activities in order to realistically achieve greater population awareness of the resources available to protect some of Canada's constitutional rights and freedoms? To go one step further would be to examine the direction of the relationship between costs and outcomes, specifically to look at whether program operating cost relates to magnitude of desired change. Does more money spent on exploring potential cases result in a

direct increase in number of cases heard by tribunal and therefore greater access to the justice system for linguistic and disadvantaged groups and individuals?

Is program operating cost representative of relative importance of program components?

Exploring this type of issue will allow for the different program components to be “translated” into common monetary terms and compared to one another. It will permit an assessment of the distributional effects of the program, simply meaning: are the financial resources going where they need to go? For instance, current CCP financing invests a superior amount of funding in litigation activities, despite the program’s stated preference in resolving cases through alternative dispute resolution processes. From a financial perspective, is one approach preferable to the other? Is one type of outcome more costly, and therefore to be avoided? Answering the above question will help to structure the current financial resource allocations for these two activities (litigation vs. alternative dispute resolution processes) in a more efficient manner.

B) Cost-Benefit Analyses

What would be the current costs incurred by the Aboriginal community and the National Federation of Aboriginal People (NFAP) in the pursuit (and possible loss) of their challenge if they did not have the CCP funding?

This question calls for speculation about the types of services the Aboriginal community might be likely to incur where CCP not available to them. This is an important issue as it speaks directly to the economic efficiency of the CCP (to be explained in the following evaluation question). The socio-political context, explored in a previous section of this document, has already established that the Aboriginal community faces notable systemic issues, such as housing shortages, deficiencies and overcrowding, linguistic diversity and extinction, high unemployment rates, significantly high rates of alcoholism, suicide, lack of appropriate education, etc. Should the CCP funding not be available and therefore should the rezoning laws go unchallenged and result in the loss of the Kouchibouguac Aboriginal people’s land, it is quite possible that the rates of these above-noted systemic issues would further increase and incur additional costs to society (costs related to federally-funded housing, suicide intervention treatment, etc.). Though it may be extremely difficult to monetize these types of outcomes, it is an essential step toward assessing CCP program efficiency, which we now turn to in the next evaluation question.

Is the relationship between CCP operating costs and outcomes preferable to costs that would be incurred by the Aboriginal Community and NFAP if it did not have CCP funding?

Cost-effectiveness analyses have elucidated the relationship between CCP operating costs and achieved outcomes, and previous cost-benefit analyses have monetized costs that would be incurred by Aboriginal outcomes should CCP not be available to them. Using this information, it is now possible to compare these relationships and pronounce which outcomes are preferable (i.e. less costly). For example, one is now in a position to concretely determine if there is any money saved by helping the NFAP unite the Aboriginal community to challenge rezoning laws. The benefit can be expressed in monetary terms, by saying for example: for every \$1 invested in NFAP by the CCP, \$10 was saved in related mental health and housing supportive services.

3.1.3 Methodology Specific to Assessing Program Efficiency

Procedures for measuring program costs and benefits are extremely complex and specialized. Numerous difficulties can also be encountered when attempting to monetize costs and outcomes according to a common set of denominators. Monetary benefits can be estimated directly (money measurements) or through market valuation, or even econometric estimation. Secondary effects (externalities or spillover effects) must be anticipated and accounted for in calculations (Rossi, Freeman, Lipsey, 1999, p.383). Because of the high degree of specialization involved in these analyses, this evaluation strategy proposes to hire costing consultants and financial experts, who will be able to work hand in hand with relevant stakeholders from the Aboriginal community, NFAP, and CCP to identify appropriate analyses. Pertinent literature on costs related to CCP program activities and outputs can presumably be obtained from the CCPC's information database.

3.1.4 Considerations: Timing of Efficiency Analyses

The employment of cost-benefit and cost-effectiveness techniques is appropriate at all phases of program efforts, however efficiency analyses are most commonly undertaken either during the planning and design phase of an initiative or after an innovative or markedly modified program has been in place for a time (Rossi, Freeman, Lipsey, 1999, p.369). Given the relatively turbulent history of the CCP, such as the changes in its funding (i.e., program mandate expansion in 1982 and again in 1985, federal government cancellation as part of deficit reduction effort, etc.), an efficiency assessment may present significant challenges as it attempts to monetize objectives and outcomes in constant evolution.



In summary, it is critical for any program to examine how program outcomes compare to their costs. Therefore, one of the key elements of the proposed evaluation strategy is to compare costs and benefits of the Court Challenges Program (CCP) in a formal ex post efficiency assessment. The proposed efficiency assessment entails two main components: cost-effectiveness analyses and cost-benefit analyses. Given that procedures for measuring program costs and benefits are extremely complex and specialized, it is proposed that costing consultants and financial experts be hired to work hand in hand with relevant stakeholders from the Aboriginal community, NFAP, and CCP. It is also suggested that pertinent literature on costs related to CCP program activities and outputs be obtained from the CCPC information database.

3.2 Effectiveness Evaluation

Our discussion of an evaluation of effectiveness will take the following format. Specific outcome evaluation questions are posed and are preceded by a discussion of the methodology for that question.

Effectiveness refers to the extent to which the development intervention's objectives were achieved, or are expected to be achieved, taking into account their relative importance (Organisation de Coopération et de Développement Economiques, 2002).

In this section of the report, we have posed specific evaluation questions that relate to how well the needs of the Aboriginal peoples are met within the mandate of the CCP.

One of the mandates of the CCP is to enhance the awareness of the resources available to protect some of Canada's constitutional rights and freedoms. For the purpose of the current evaluation we will examine how effective the CCP has been in promoting awareness of their funding opportunities and services among Aboriginal peoples.

Has the CCP improved awareness among the Aboriginal peoples regarding their funding opportunities and services?

With respect to aboriginal issues related to equality and freedom, we propose construction of a survey to be sent out to aboriginal peoples. This survey would be a concise (no longer than 15 minutes to encourage compliance and completeness), qualitative and quantitative analysis of the following information: The survey would ask about Aboriginal people's general knowledge of equality and linguistic issues in Canada. It will ask individuals to describe from where, or from whom they received this general knowledge. The survey will ask individuals to describe whether or not they are aware of CCP services and funding

opportunities. Finally the survey will also include an open-ended question about how individuals would like to receive information about the services offered through CCP, and how interested they are in this information.

The surveys would be created in consultation with key stakeholders (i.e. band leaders, elders) and disseminated in all Aboriginal languages through band leaders to ensure complete participation of all possible communities. The survey would be constructed following the appropriate guidelines as set forth by standard research methods. Results of this survey would inform our evaluation team about the level of awareness of Aboriginal peoples of the CCP and the extent to which the CCP has been effective in promoting their services. Appropriate statistical analyses will be conducted to compare results from this survey to previous surveys carried out by CCP regarding awareness of their services among other minority or disadvantaged groups in Canada.

Our next outcome evaluation question pertains to a specified goal of the CCP to provide greater access to the justice system for linguistic and disadvantaged groups and individuals. For the purpose of this evaluation, we will examine three evaluation questions pertaining to the issue of Access:

How has the CCP enabled access to their resources for Aboriginal peoples?

Are there Aboriginal groups in need of funding from the CCP who have not received funding?

What is the access of Aboriginal people in terms of involvement with CCP funding decisions?

In order to gain an appreciation of access to CCP services among Aboriginal peoples, we propose to use the CCP database to collect the following information:

How many funding instances provided by the CCP dealt with Aboriginal issues in the last five years? How many initial applications for funding in the past 5 years by Aboriginal peoples qualified for support? Among these instances, how many applications for funding received support? Our evaluation team is also interested in what type of funding was most often solicited (litigation support versus research) and what the overall level of satisfaction is with this distribution of funds. Interviews with key informants (band leaders, or elders) may suggest improvements in this regard.

In addition, we are interested in examining access to CCP services among the different Aboriginal groups. We will examine whether any Aboriginal groups have

been particularly successful or absent in this regard. We will identify the characteristics of these two groups with respect to access to the CCP. We will also compare Aboriginal success in achieving funding to that of other minority or disadvantaged groups in Canada, in order to gain an appreciation of whether there has been a representative distribution of CCP funding. This information will reveal the extent of access of Aboriginal people to CCP services, and how successful the Aboriginal people have been in achieving funding from CCP.

Our evaluation team will also review whether CCP promotional practices enable access for Aboriginal peoples. We will review CCP documentation to examine their dissemination and promotional practices. In particular, we will examine whether these practices are sufficient to reach Aboriginal peoples, and are conducted in such a way that is consistent with communication among Aboriginal peoples. For example, it is estimated that one-third of band offices do not have access to computer and Internet services. Thus, CCP advertisement through this medium would be insufficient for these areas.

In order to address whether there are Aboriginal groups who are in need of funding, but who have not received it (either because of lack of awareness of CCP services, or due to an unsuccessful application for funding), our evaluation team proposes to conduct focus groups in a variety of Aboriginal communities, representative of the demographic characteristics of Aboriginal peoples. These focus groups will address: what are the advantages and challenges to using CCP funding, what are the barriers to receiving CCP funding, and what are the ways that funding regarding protecting rights and freedom have been achieved in the past. While a survey asking these questions may include a broader response, we are conscious of Aboriginal peoples' preference for communicating verbally and thus feel we will attain better quality of data using this method.

In order to examine Aboriginal involvement with CCP process and funding decisions, we will examine, via CCP documentation review, the proportion of Aboriginal people that have sat on both the Linguistic and Equity panels and who have been involved with making decisions regarding funding in the past five years.

Our evaluation team is also interested in learning about the level of satisfaction among those who have utilized CCP services. For the purpose of the present evaluation, we are interested in learning specifically.

Are Aboriginal people satisfied with the services received through CCP?

We propose to conduct a survey of Aboriginal groups who received funding through the CCP to ask about their satisfaction with the process. Within this

survey, we will ask about satisfaction with for example, communication with CCP staff and communication methods, the funding (whether the funding was sufficient), and timeliness of their services. We will ask about specific areas for improvement. Furthermore, we will compare these responses to those of Aboriginal groups who received funding in other ways (not through CCP) for the same purpose. While satisfaction alone is not a strong indicator of the quality of a program's services (Rossi, Freeman & Lipsey, 1999), we are interested in baseline acceptance of the program, and specific areas for improvement.

Our last outcome evaluation question pertains to the overall goal of the CCP, which is to bring about clarification and/or protection of rights and freedoms. For the purpose of this evaluation, we will examine how effective the CCP has been in this regard for the Aboriginal people.

How often has funding through the CCP regarding Aboriginal issues resulted in a changed process (i.e. protection of Aboriginal interests)?

This question addresses how often funding through CCP has resulted in a change process for the Aboriginal applicant(s) and the community as a whole. Our evaluation team proposes to examine CCP documentation to examine which funding instances resulted in a litigation or alternative conflict resolution success in favor of the Aboriginal claimant.

These questions will be addressed more broadly during the focus groups described above. We are primarily interested in how the Aboriginal people feel the CCP services has ensured the protection of their rights and freedoms.

4.0 TIMEFRAME

Evaluation Timeline

Evaluation Activity	Timeline for CCP Evaluation					
	June 2003	August 2003	November-2003	December-2003	February 2003	June 2003
Finalization of evaluation framework and draft of evaluation plan						
Identify and contact key stakeholders						
Collection of relevant documents and data (modify MIS)						
Analysis of MIS data						
Training for interviews and focus groups						
Run evaluation activities						
Analysis of interview, survey and focus group information (qualitative & quantitative)						
Final evaluation						

	Intensive activity
	On-going less intensive activity

5.0 BUDGET

INCOME		EXPENSES	
National Federation of Aboriginal Peoples Funding for Evaluation	\$ 104,000.00	Salaries/Consulting Fees ^{1.}	\$ 51,000.00
		Information Gathering:	
		- literature review	\$ 1, 500.00
		- community consultation	\$ 1, 500.00
		- action research initiative	\$ 4, 000.00
		- modification of MIS data	\$ 4, 000.00
		Traveling Expenses	\$ 14, 000.00
		Office Supplies	\$ 600.00
		Advertising	
		- all mediums	\$5,400.00
		Postage/Courier	\$500.00
		Translation	\$4,000.00
		Editing	\$500.00
		Printing	\$3,500.00
		Communications	\$7,500.00
		Accounting/Admin. Services	\$2,000.00
<i>In kind:</i>		<i>In kind:</i>	
Occupancy	\$2500.00	Occupancy Costs	\$2,500.00
Equipment/Furnishing	\$1000.00	Equipment & Furnishings	\$1,000.00
Volunteered time	\$500.00	Volunteered time	\$500.00
Total	\$ 104,000.00	Total	\$ 104,000.00

1. Includes g.s.t. for consultants

6.0 CHALLENGES AND OPPORTUNITIES

Challenges:

Timing of Efficiency Analyses

As previously noted, the employment of cost-benefit and cost-effectiveness techniques is appropriate at all phases of program efforts, however efficiency analyses are most commonly undertaken either during the planning and design phase of an initiative or after an innovative or markedly modified program has been in place for a time (Rossi, Freeman, Lipsey, 1999, p.369). Given the relatively turbulent history of the CCP, such as the changes in its funding (i.e., program mandate expansion in 1982 and again in 1985, federal government cancellation as part of deficit reduction effort, etc.), an efficiency assessment may present significant challenges as it attempts to monetize costs and outcomes in constant evolution. Efficiency analyses are still possible at this point in the program's development, but results must be interpreted within a contextual framework that accounts for CCP program fluctuation.

Monitizing Activities and Outcomes

A further challenge of conducting the proposed efficiency evaluations is the difficulty in correctly monetizing the various activities and outcomes, both within the CCP framework and outside of it (i.e., external costs incurred by the non-use of the CCP services). Though costing experts would be enlisted to tackle this difficult area, monetary values inferred would remain estimations. Nevertheless, they provide invaluable information in that they allow the identification of the program's benefits relative to its costs.

Shifting Political Priorities

Our country's federal funding is currently focussed on other social issues, namely health care and defence.

Bias in Data Collection

The extensive use of MIS data may be problematic as it has not necessarily been gathered with an understanding or an extensive integration of the expansive diversity within the Aboriginal community.

Time and Cost

A challenge of our outcome evaluation strategies will be the time and cost required to ensure representativeness in our data collection strategies.

Opportunities:

Inclusive and Rigorous Methodology

Our outcome evaluation strategy has included multiple methods of data collection and analyses (both quantitative and qualitative), in addition to a conscious effort to make sure these methods are consistent with the preferences of the Aboriginal people.

Contextualized Evaluation Materials

Our evaluation strategy further distinguishes itself through an integration of social context and in the development of culturally-sensitive evaluation materials.

Direct Contact With All Key Stakeholders

The evaluation plan makes strenuous efforts to include all levels of government and Aboriginal peoples within the development and implementation of the evaluation.

7.0 CONCLUSIONS AND RECOMMENDATIONS

While not specifically requested by the NFAP, our evaluation team strongly recommends the addition of a needs assessment to the overall evaluation strategy. A needs assessment evaluation would help to identify specific needs of Aboriginal peoples regarding access to the justice system, protection of constitutional rights and freedoms, and education regarding what these rights and freedoms are. This would help to ensure a more complete examination of whether the CCP has been effective in meeting these needs.

Further recommendations include the following:

- Clarification of the relationship between the NFAP evaluation and the CCP evaluation cycle

- Clarification of the goals of the NFAP evaluation

- Collaborative partnership with CCP and NFAP in the evaluation process to allow for collective learning and complete disclosure by both organizations

- Creative profile of successful and unsuccessful CCP applicants and non-applicants

- Modification of the MIS database to include Aboriginal interests

- Conduct a gap analysis (see appendix A)

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APPENDIX A – PROPOSED GAP ANALYSIS

Gap analysis is intended to assist in monitoring and ultimately with the summative evaluation. Gap analysis examines the gap between stated program goals and the objectives of specific projects funded, or applying for funding, from the program. As such, gap analysis can also identify potential additions or changes to the next Treasury Board submission.

It is proposed the gap analysis be conducted as follows:

1. Examination of the Treasury Board submission for Court Challenges Program, from which the present program funding was allocated, and capturing in succinct format the stated program objectives.
2. Examination of the work plans for successful and unsuccessful grant proposals to the Court Challenges Program and summarizing this information in a concise and accessible format.
3. Conducting a Gap Analysis involving a systematic comparison of each of the grant application objectives and the programs objectives stated in the Treasury Board submission and provide a national level view of how the program, as a whole, is meeting stated objectives in the context of Aboriginal applications to the program.