

Formative Evaluation of the Canadian Forces Grievance Board

Final Report

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Prepared for:
Canadian Forces Grievance Board

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Executive Summary

Evaluation Objectives

This report presents the findings from the formative evaluation of the Canadian Forces Grievance Board (CFGB), which covers the period from the Board's initial establishment in June 2000 to the winter of 2004-2005. The purpose of this formative evaluation is to provide information to the management of the CFGB to guide their decision-making, to enhance their ability to report on the CFGB's progress, and to identify areas for improvement.

Specific evaluation issues covered by this evaluation include:

- **Rationale and Relevance** - *To what extent are the operations and outcomes of the CFGB consistent with its mandate?*
- **Design and Delivery** – *In what ways have the CFGB's governance structure and delivery approach contributed to achievement of its objectives?*
- **Cost-effectiveness** – *To what extent are the CFGB operations and processes cost-effective?*
- **Success** – *What progress has been made towards achieving outputs and immediate outcomes?*

Methodology

Evidence for this evaluation was collected from a review of documents and the CFGB's administrative database, interviews with CFGB Board Members, managers, staff, and external stakeholders (including the Chief of Defence Staff, Vice Chief of Defence Staff, Canadian Forces Military Careers, Director of Canadian Forces Grievance Authority, and lawyers), and focus groups with CFGB staff.

Findings and Conclusions

Findings indicated that the CFGB's operations are consistent with its mandate and are appropriately focused on achieving its intended outcomes. The vast majority of CFGB

findings and recommendations were endorsed by the CDS, and those that weren't are said to have nevertheless been useful and taken into account in CF policy reviews.

The CFGB's operations appear to be adequately designed to function effectively and meet its targets. It has adopted an iterative approach to its grievance process and, in clearing the backlog of cases, the Board is viewed as having maintained an appropriate balance between the quality and the timeliness of the production of findings and recommendations. As the Board improved its processes and operations, increased the experience of its staff and Board members, and created a body of precedents to draw from, the average real time spent on each case has steadily decreased from an average of 109 hours in 2000 to 50 hours in 2004.

The CFGB's comprehensive management information system is seen as providing useful, high quality, and timely performance information to assist managers in their managerial role and to support the Board Members' work.

CFGB staff and managers generally have the appropriate mix of skills and experience to perform their tasks.

Managers and staff also reported having a good understanding of roles and responsibilities and functioning effectively as teams within units and within the management team, but there was a stated need for improved understanding of roles and responsibilities and collaboration across units. Internal communications have improved over the past 18 months, but there is still room for more and better interactions between staff and managers with respect to feedback on performance, case loads, access to organisational level information on CFGB direction, and planning.

Staff generally expressed satisfaction with many aspects of their working conditions, including high satisfaction with the training opportunities offered and the office setting provided.

The main challenge encountered by the CFGB has been to attract and retain staff, particularly grievance officers, as it was establishing its operations and had to hire term and casual employees who did not or could not remain with the organisation. A competitive environment was created when came time to fill these positions and the

incumbents did not qualify. However, evidence indicates that Board management is taking appropriate steps to remedy its human resource challenges.

Another key impediment to efficiency has been the small number of part-time Board Members and their capacity to deal with a large number of cases, thereby resulting in a bottleneck at this level.

Overall, the CFGB appears to have the appropriate amount and balance of resources to meet its mandate, taking into account the use of supplementals. Its efficiency will likely improve when the Governor in Council appoints new Board members and as it reaches a steady-state following the reduction of its backlog of cases.

Overall, the CFGB appears to have been quite successful at establishing an efficient and effective new organization in a relatively short period of time. This with limited guidance and support from central agencies and without the benefit of previous examples from similar organizations. The Board's work is respected by external stakeholders for its independence, objectivity, and transparency. The one area for improvement would be in ensuring that CF members and others know about the CFGB, its mandate and role. The CFGB has essentially succeeded in eliminating the backlog of cases it inherited at the start, and is now entering a steady-state of operations. Indications from the performance measurement data are that the CFGB is progressing towards a more efficient processing of grievances, with the time spent per case having steadily diminished. The Board's success in meeting its time targets will be better measured once it has reached a steady-state and established new post-backlog targets.

Recommendations

In light of the above conclusions, the evaluation team recommends the following:

- That the CFGB continue to engage in the active promotion of its role and mandate to members of the Canadian Forces.
- That the CFGB finalize and implement its new system to systematically collect and integrate feedback from grievors within its overall performance measurement framework.

- That the CFGB continue to review the performance targets to ensure they are valid for a steady-state of operations.
- That the CFGB monitor the effectiveness of its new internal communications plan to improve the quality and quantity of information flowing between managers and staff; and across units.
- That the CFGB pursue as planned for 2005/06 its decentralization of financial authority to managers to improve their capacity to manage effectively and efficiently.
- That the CFGB continue to seek the appointment of new Board Members.

Considerations for Summative Evaluation

In light of the summative evaluation planned to take place in 2010 and the pending elimination of the backlog of cases inherited at its inception, the CFGB should monitor the number and types of cases submitted by the CDS in order to adjust its performance targets.

It will also be important that the summative evaluation include information from grievors, given their central role as stakeholders in the activities of the CFGB. A survey and/or key informant interviews with grievors could be conducted to gauge their understanding of the unique role of the Board, their satisfaction with the Board's independence, objectivity and transparency, the grievance process as a whole, and with its outcomes.

Finally, in light of the finding that the Board's analysis for each case was useful to the Canadian Forces, irrespective of the CDS decision, the CFGB's evaluation matrix could be revised and its success indicators refined to take this type of outcome into account.

1.0 Introduction

The purpose of this report is to present the findings from the formative evaluation of the Canadian Forces Grievance Board (CFGB). The report contains a brief profile of the CFGB, the main findings from the evaluation according to evaluation issues, and conclusions and recommendations derived from the findings.

1.1 Evaluation Scope and Objective

The CFGB commenced operations in June 2000. The formative evaluation covers the period from its initial establishment through until the winter of 2004-2005. There is a summative evaluation planned for 2010.

The purpose or objective of the formative evaluation is to provide information to CFGB management in order to guide their decision-making, to enhance their ability to report on CFGB progress, and to identify areas for improvement. The evaluation has assessed various aspects of the organization's activities, processes, and results according to defined evaluation issues that were of interest to CFGB management. As a result, there are some areas that have been identified as potential areas for improvement, as well as a number of areas that have been evaluated as functioning very well and producing the intended results. Both types of areas are highlighted throughout the evaluation findings.

1.2 Evaluation Issues

The formative evaluation issues, as identified in the CFGB RMAF evaluation strategy, fall into four broad categories:

- **Rationale and Relevance** - *To what extent are the operations and outcomes of the CFGB consistent with its mandate?*
- **Design and Delivery** – *In what ways have CFGB's governance structure and delivery approach contributed to achievement of its objectives?*
- **Cost-effectiveness** – *To what extent are the CFGB operations and processes cost-effective?*

- **Success** – What progress has been made towards achieving outputs and immediate outcomes?

2.0 Profile of the CFGB

This section provides a profile overview of the CFGB, including its mandate, background, current operations, and the unique context within which it operates.

2.1 CFGB Mandate

The CFGB is an administrative tribunal with quasi-judicial powers mandated to review every grievance referred to it by the Chief of the Defence Staff (CDS) and provide its findings and recommendations (F&Rs) in writing to the CDS and to the officer or non-commissioned member who submitted the grievance. Its stated mission is:

to review grievances in order to render fair and impartial findings and recommendations, in a timely and informal manner, to the Chief of the Defence Staff (CDS) and the grievor.

The Board must consider fairly the rights of military personnel and maintain complete objectivity and impartiality, protecting and balancing the rights of both the grievors and the Canadian Forces.

According to applicable rules and regulations (P.C. 2000-863 of 8 June 2000 effective 15 June 2000), the CDS must refer to the CFGB any grievance relating to the following matters:

- administrative action resulting in the forfeiture of, or deductions from, pay and allowances, reversion to a lower rank or release from the Canadian Forces;
- the application or interpretation of Canadian Forces policies relating to expression of personal opinions, political activities and candidature for office, civil employment, conflict of interest and post-employment compliance measures, harassment or racist conduct;
- pay, allowances and other financial benefits;
- the entitlement to medical care or dental treatment;

- a decision or an act of the CDS in respect of a particular officer or non-commissioned member; and
- other types of grievances as deemed appropriate by the CDS.

The Board has the powers of an administrative tribunal to summon civilian or military witnesses, as well as compel testimony under oath, and the production of documents. The decision to hold an oral hearing is done on a judicious basis since, in accordance with provisions of the *National Defence Act* (NDA), the CFGB is expected to review grievances as informally and expeditiously as the circumstances and the considerations of fairness permit.

The CDS is the final authority in the grievance process. However, while the recommendations of the CFGB do not bind the CDS, if he or she decides to not follow them, written reasons must be provided.

2.2 CFGB Background

The Canadian Forces Grievance Board is an administrative tribunal with quasi-judicial powers. Its mandate is to review grievances referred to it by the CDS, in accordance with the NDA and Chapter 7 of the *Queen's Regulations and Orders for the Canadian Forces* (QR&O), and to subsequently provide its findings and recommendations to both the CDS and the grievor.

In the early nineties, a number of studies and working groups, internal to the Canadian Forces, were initiated to help identify and propose solutions for inequities that existed with the military's complaint resolution methods. A series of recommendations ensued, including those put forth by the Doshen Report, that were aimed at modernizing the system as a whole. In 1996, the Armed Forces Council ordered a streamlined grievance system be developed and in 1997, the Minister of National Defence (MND) submitted his Report to the Prime Minister on the Leadership and Management of the Canadian Forces. This particular report included two recommendations relating to the grievance system: the removal of the Minister as final arbiter and the creation of an independent review board.

As a result of these and other studies and inquiries, including the Special Advisory Group and the Somalia Commission of Inquiry, the Canadian Forces Grievance Board

was created on March 1, 2000, in accordance with amendments made to the National Defence Act in 1998. The amendments focused on simplifying and improving the timeliness of the grievance process and the Board received its regulatory authority and officially began operations on June 15, 2000.

In addition, prior to the amendments, the process was seen as being too closely linked to the chain of command and lacking any external input. As an administrative tribunal, the CFGB provides a mechanism, at arm's length from the chain of command, for the speedy resolution of grievances.

The importance of the Board's role is highlighted by the fact that the CF is comprised of about 80,000 members, including the reserves, yet there are no unions or employee associations in the military. Conditions of employment in the CF are unilaterally set by regulations and subject to the authority of the CDS.

The numbers of grievances received by the Board each year varies, ranging from 100 to 180 cases each year; however before the Board even commenced operations, it inherited a backlog of old grievances that needed to be processed along with the new grievances being received.

2.3 Current Operations of the CFGB

Under the NDA, the Governor-in-Council may appoint to the Board a full-time Chairperson, at least one full-time Vice-Chairperson, one part-time Vice-Chairperson, and any other Members, full or part-time, needed to carry out its functions.

Appointments may be for up to four years and may be renewed; Members may be removed by the Governor-in-Council for cause. Board Members are responsible for producing findings and recommendations. The Chairperson of the Board is ultimately accountable for the work of the Board.

Board Members' work is supported by the Chairperson and Vice-Chairperson, who are themselves full-time Board Members, as well as members of the Board's Executive Committee, a Director of Legal Services and General Counsel, a Director of Grievance Analysis and Operations, and a staff of grievance officers and lawyers.

Grievance Officers, working in the Grievance Analysis and Operations unit, are responsible for analyzing grievances, conducting research, including the research of relevant jurisprudence, and drafting the initial findings and recommendations on grievances following instructions of Board Members.

Lawyers in the Legal Services unit are responsible for providing legal advice and conducting a legal review of the findings and recommendations before final approval by Board Members and subsequent transmission to the CDS and grievor.

In turn, the work of the Operations unit is supported by the Corporate Services division, which is headed by the Executive Director and a team of four functional chiefs. The Executive Director, who oversees the delivery of corporate support services, is accountable for the overall sound management of the Board including its financial management.

The Director of Legal Services has a dual role. He/she provides legal advisory services in relation to grievance reviews, and also performs the role of General Counsel for the Board.

Governance of the CFGB is assured by four management committees, represented by all or a combination of Corporate Services and Operations managers, including the Chairperson:

- Executive Committee (EX-COM);
- Finance and Audit Committee;
- Operations Committee; and
- Labour-Management Consultation Committee.

The Board is accountable to Parliament through annual reporting.

The CFGB's current annual reference level is \$6,210,000. However, in the fall 2003, \$8,555,000 was allocated for 2004-2005 to eliminate a backlog of grievances as requested by the Minister of National Defence.

2.4 Unique Context of CFGB

As an administrative tribunal designed to review grievances, the Board must ensure that its recommendations comply with the law and can be implemented in accordance with its legislation, the *Canadian Charter of Rights and Freedoms* *Canadian Human Rights Act* and any other relevant legislation.

The CFGB faces a number of challenges particular to its unique role and status. The CFGB is the only civilian body in the world that investigates and makes findings and recommendations relating to military grievances. As such, it is breaking new ground in terms of creating jurisprudence in this domain. One of the challenges it faces is making itself known to the Canadian Forces and communicating its unique position as an independent body, outside of the military chain of command.

As a small Canadian government agency, the CFGB has also had a relatively short existence. Established in 2000, it had to put in place its entire infrastructure, without the benefit of guidance from other like agencies.

Furthermore, upon coming into existence, the CFGB inherited an extensive backlog of cases that had been submitted to the CDS under the previous grievance system, but had not been yet processed.

Finally, the Board is dependent on the Governor in Council for the appointments of its members. Due to delays in replacing former Board Members, the positions of Chair and full-time Vice-Chairperson were filled by the same individual for a period of 1.5 years, ending with the appointment of a new full-time Vice-Chairperson in December 2004. Furthermore, a part-time Vice-Chairperson and three additional part-time Members remain not appointed by the Governor-in-Council. This represents a challenge outside of the Board's immediate control, but which affects its capacity to expedite grievances and meet its targets.

3.0 Evaluation Methodology and Approach

The evaluation was designed to address the key issues identified in the evaluation strategy outlined in the RMAF for the CFGB. The approach involved using multiple lines of evidence for each issue whenever possible. The main methodologies included:

Document review – The CFGB has developed a number of key documents that the evaluation team reviewed to ensure that they have a thorough understanding of the context and background for the CFGB. Key documents included:

- CFGB Annual Reports;
- CFGB Departmental Performance Reports (DPR);
- CFGB Reports on Plans and Priorities (RPP);
- CFGB Rules of Procedure;
- CFGB Results-based Management Accountability Framework (RMAF);
- Operational Plans for the CFGB;
- Competency Profiles;
- The First Independent Review of the Provisions and Operation of Bill C-25 (the “Lamer Report”);
- Report on CFGB Governance and Accountability Review; and,
- Various sets of speaking notes for Chair.

Administrative data review – The CFGB has a management information system (Case Management and Time Tracking System) that provides various data summaries on key indicators identified in the evaluation strategy document. GGI analysed this information according to key evaluation issues.

Key informant interviews – Interviews with key informants was one of the main methods used to collect data specific for the evaluation. Interviews were conducted in the official language of choice either in-person or via telephone. The interview followed a semi-structured guide that was provided to the interviewee prior to the interview (see Appendix A for interview guides). A total of 25 interviews were conducted with various types of key informants. Interviews lasted between 30 and 60 minutes and were conducted with the following groups:

- External stakeholders (7 interviewed)
- Board Members (6 interviewed)
- CFGB Managers (7 interviewed)
- Staff (5 interviewed)

Focus groups with CFGB staff – The evaluation team conducted two focus groups with operations staff (one in English; one in French). The focus groups were facilitated using a facilitation guide (see Appendix A for guide). The groups lasted approximately 90 minutes. In total, 13 staff participated in the two groups.

4.0 Evaluation Findings

The evaluation strategy for the formative evaluation of the CFGB outlined in the Results-based Management Accountability Framework (RMAF) identified four main areas for the evaluation: rationale and relevance of the CFGB, the design and delivery of the CFGB activities, the cost-effectiveness of the CFGB activities, and the progress or success the CFGB has achieved to date in producing results. The evaluation findings are presented below according to these four main areas, according to specific evaluation questions posed under each area.

4.1 Rationale and Relevance

The evaluation issue of rationale and relevance of the CFGB focused on two main questions; the first addressed the consistency of the operations and outcomes of the CFGB with its mandate and statutory requirements, and the second addressed the link between the treatment of grievances and desired outcomes. The findings for each are presented below.

Evaluation Question #1:

Are CFGB's operations and outcomes consistent with its mandate and statutory/regulatory requirements?

The perspectives of both external stakeholders and CFGB managers were consistent in that it was reported that the CFGB has a clear mandate derived directly from the established statutory and regulatory requirements. Stakeholders and managers also agreed that the operations of the CFGB are consistent with this mandate, and that the CFGB is focused on achieving the related outcomes.

The results from the document review concurred with the findings from the key informant interviews. The annual reports, reports on planning and priorities (RPP), and departmental performance reports (DPR) all present coherent linkages between the operations of the CFGB and the intended and actual outcomes as they relate to the overall objectives and mandate of the CFGB.

Evaluation Question #2:

In what ways does CFGB's current treatment of grievances contribute to its ultimate outcome?

According to the CFGB RMAF, the ultimate outcome (also defined as the “ultimate strategic result”) of the CFGB is that:

The recommendations of the CFGB are implemented in the Canadian Forces and lead to improvements in the conditions of work.¹

One main indicator for this ultimate outcome is the proportion of findings and recommendations prepared by the CFGB that are fully or partially endorsed by the Chief of Defence Staff. The initial step to having recommendations of the CFGB implemented is the endorsement of the specific F&R by the CDS. Of the 445 F&Rs produced by the CFGB as January 2005, 91 percent were either fully endorsed (76 percent) or partially endorsed (15 percent). Interestingly, the interviews with CF stakeholders indicated that in many cases, even when a specific F&R is not fully endorsed by the CDS, the information and analyses provided in the F&R are used by the CF to clarify the rationale and or intent of certain policies, and are systematically considered in CF policy reviews.

With respect to the extent to which the F&Rs produced by the CFGB lead to improvements in the conditions of work for CF members, it was noted by the CF stakeholders interviewed that, in some instances, the F&Rs may be endorsed by the CDS; however, the CDS may not have the authority to implement the changes. For example, approval from a central agency such as the Treasury Board may be required in order for some aspect of a recommendation to be implemented. The comment was made that where the CDS did not have the decision-making authority, supportive recommendations from the CFGB provided leverage to the CDS' request to a central agency of approval of proposed changes.

¹ Results-based Management and Accountability Framework – The Canadian Forces Grievance Board – October, 2004 – p.8

4.2 Design and Delivery

Of particular importance in this evaluation are the issues addressing design and delivery of the CFGB activities. Given that the CFGB commenced operations as a new agency in 2000, with a relatively unique mandate and context (independent civilian quasi-judicial tribunal reviewing military grievances), many of the operations and processes had to be developed and implemented without the benefit of related models or precedents. As a result, many of the original operations and processes have been refined by the CFGB with iterative process of periodic feedback and planning.

Furthermore, the CFGB was established during a period when the Canadian Forces were undergoing rapid and significant transformations, including in the area of human resource policies. These changes have likely added to the challenge of dealing with systemic cases.

The purpose of the evaluation questions about design and delivery was to assess to what extent the original operations and processes along with the iterations have been successful in providing staff, managers, and Board Members the necessary structure, information, tools and environment to produce intended results.

Evaluation Question #3:

Are roles and responsibilities of managers and staff clearly and appropriately delineated for effective interaction and teamwork?

Overall, there was consensus among those interviewed that within units, there is a good understanding of roles and responsibilities. However, there nonetheless appear to be challenges in *clearly* understanding roles and responsibilities across units. This lack of clarity leads to challenges with effective teamwork across units, and occasionally results in an overlap of effort on cross-unit undertakings and activities. Within units, the focus group participants and interviewees reported good teamwork, using many examples of sharing of information, collaboration, and internal consulting of staff with various areas of expertise or experience.

Reasons provided as to why there was less than optimum clarity with roles and responsibilities across units within the CFGB were the following:

- Challenges in staffing have resulted in shortages, which have required some staff and managers to manage multiple responsibilities (“wear two hats”). With some filling multiple roles, there were reports that the roles and responsibilities at times have become confused.
- Turnover of staff is perceived as being relatively high, so it takes considerable effort to integrate new staff into units. This is even a bigger challenge when attempting to integrate new staff across units.
- Internal communications have reportedly improved substantially over the past 18 months; however, there were some reports by staff that there remain some challenges in this area. Some staff reported that there is not as much communication between managers and staff as they would prefer. These staff indicated that while they can communicate directly with their manager, they have less corporate information than they would like with respect to the overall planning and direction of the CFGB, major initiatives, etc. CFGB managers report that these outstanding challenges are presently being addressed.

One area where there is a difference of opinion between staff and managers is specifically with the presence of grievance officers at the assignments of cases to Board Members meetings. While many grievance officers do not find this process particularly useful, managers perceive it as an opportunity for the grievance officers to interact with CFGB senior managers, and to improve oral presentation skills, while also providing information about cases that may not necessarily be in the written analyses.

Evaluation Question #4:

Does CFGB have an integrated knowledge management framework with

adequate mechanisms implemented in all of its units?

Given the relatively early stages of its development as an organization, the CFGB has developed a comprehensive management information system. Knowledge management is being conducted in an integrated fashion with information from the various components of the system available to, and used by, many different levels of the organization. According to the managers interviewed, the system is providing useful and timely performance information of high quality, along with an appropriate level of detail that assists them in performing their managerial tasks. Board Members reported high levels of satisfaction with their access to various types of information from the system, such as the database of precedents.

The implementation of a comprehensive system that tracks performance is particularly important to the CFGB as a new organization. Given its unique context and special characteristics, there is the need to establish baselines for performance, monitor backlog, and determine what processes are more effective than others. CFGB management appears to have recognized the need for good quality performance data to determine the effectiveness of operations, make adjustments and to incorporate performance information into their planning process.

A few members of the operations staff indicated that they had issues with respect to the ease of retrieving information from the system. This may be a result of the format and design of user interface, or an issue of training and coaching in using the system.

Another issue that was raised by some of the operations staff was that they felt that at times managers view the information system as a replacement for staff-manager interactions. They were concerned that there is still the need for manager-staff interactions with respect to discussing workloads, progress, specific cases, etc., and that this monitoring should be done in an interactive, person-to-person approach rather than relying only on reviewing statistics from the information system.

Evaluation Question #5:

Is the current mix of skills and experience adequate for sustainable

grievance review and effective/efficient production of F&Rs?

The evaluation team interviewed staff, managers and Board Members, and conducted focus groups with operations staff to determine to what extent there is an adequate mix of skills and experience available in the organization to successfully meet the CFGB's objectives. Overall, the Board Members reported that they were satisfied with the skills and experience of the CFGB staff. While they recognized that there were some variations in the quality of analysis among grievance officers, they also reported that generally the assignment of specific officers to specific types of cases produced strong analyses. A few Board Members reported that they had experienced some frustration with the turnover in staff and the introduction of new analysts to cases, but overall indicated that this was understandable, and for the most part the transition had been handled very well.

The managers interviewed indicated that they were also generally satisfied with the skills and experience of the staff. They indicated that while staff capacity is at times uneven, it generally follows a "normal curve" with some exceptional staff members, some which require more support, but the majority of whom perform well within their expectations. Some challenges reported by managers included retaining qualified grievance officers who are seeking legal positions within the public service, and the high number of requests for secondments.

When the study team reviewed available human resources data, it was revealed that the number of permanent (indeterminate) grievance officers who requested and were granted a secondment outside of the CFGB is relatively low (only two of the current contingent of ten grievance officers), and that these requests occurred very recently (at the end of the 2004 fiscal year). Since 2002, when the first permanent grievance officer positions were staffed, only four permanent employees left their position, including the two individuals who were recently granted a secondment. Managers' perception of a high turnover of grievance officers may however be attributed to the large number of term and casual employees who were hired and of permanent public servants who were seconded to the Board in its first years to help the Agency launch operations. Permanent employees in secondment and term employees hired by the Board were not systematically hired for the positions they occupied when grievance officer competitions were opened. Furthermore, due to their 125-day contract limit,

casual employees were prevented from remaining with the Board. This resulted in a perceived large turnover, as a number of grievance officers did not remain with the organisation. The situation has now stabilized, with a core group of ten grievance officers now being hired on a permanent basis.

Overall, staff in focus groups and interviews indicated they were relatively satisfied with the mix of skills and experience. Operations staff reported that access to staff with military experience or a good understanding of the Canadian military context would be particularly useful for internal consultations on specific cases. As well, it was mentioned that access to legal research technicians would assist the grievance officers in analyzing cases.

Some comments were received from staff with respect to the skills and experience of CFGB managers. Overall, there was the perception that the management of the CFGB had improved considerably within the past 18 months. For some staff, there were still issues remaining with respect to internal communications between managers and staff, and the need for increased amount of interactions between staff and managers with respect to monitoring performance, case loads, etc.

Evaluation Question #6:

Do Board Members, managers and employees have the tools and the appropriate supportive environment that they need to produce quality outputs and achieve desired outcomes?

The Board Members interviewed were very satisfied with the tools and supports provided to them. They provided many positive comments on the staff, the systems, and the attention that is paid to them with respect to making sure that they have the information and support required to do their jobs. The only issue raised by Board Members was the desire to have additional opportunities for training and conferences related to their CFGB work.

Managers reported that their biggest challenge in the beginning has been in attracting and retaining staff. They reported that there was very little support from central agency with respect to setting up a new organization within the public service

environment. Most of the procedures had to be developed by the managers from “scratch”. As previously mentioned, the situation has now stabilized, with a core group of ten grievance officers now being hired on a permanent basis.

Also, in discussions managers indicated that fortunately the group of existing managers works well together. They describe themselves as a cohesive group who are aware of the challenges that exist for the various individual managers, as well as the managerial group overall. Many of the managers have had to deal with vacant managerial level positions, so have had to cover duties outside of their own roles and responsibilities in order to make sure that the CFGB continues to make progress and produce results. This may present a significant risk to the organization, as there are a few people who carry a relatively large management load, while the organization attempts to cover all the necessary areas of management.

The staff who participated in interviews and focus groups reported that overall they were satisfied, with a few exceptions. Areas where there were high levels of satisfaction reported included:

- Training opportunities provided to staff and, in some instances, the individual attention paid to training and development plans;
- Office setting and facilities;
- Team-work within units; and,
- Co-workers and support provided on an individual basis.

The staff further identified a number of areas that, while they felt there was more work needed, had improved substantially over the past two years. These included:

- Internal communications between managers and staff; in particular the accessing of information on an organizational level with respect to direction, planning, etc.
- More managerial support and individual interactions with staff members with respect to monitoring workloads and case management, and getting feedback on their performance.

One other area that staff identified as problematic was the lack of opportunities for career advancement and mobility within the organization given the limited number and types of positions. Many felt that in order to advance, they would be required to leave the organization.

Evaluation Question #7:

Are there stable and flexible arrangements to address peak workload requirements?

The CFGB inherited a significant backlog of grievances upon its commencement of operations in 2000. At this point in the organization's development, managers reported that it is difficult to determine what peak workload requirements will be, as the CFGB has been operating at a peak state for the past four years as it attempts to clear this backlog and address new grievances. Once the CFGB achieves a steady-state (predicted for the upcoming year), the management will then be able to determine to what extent it has the flexibility in resources to respond to a variable workload.

Evaluation Question #8:

Does the CFGB face challenges in recruiting and retaining people with competencies needed to attain strategic outcomes?

As previously mentioned under some of the other evaluation issues, managers singled out recruiting and retaining qualified staff as the most significant challenge they have faced in the development and implementation of the CFGB. The management reported that they received very little support from central agency with respect to setting up a new organization within the public service environment. This resulted in the management team having to develop procedures, plans, and guidelines from scratch.

Initially, the CFGB needed to staff quite quickly so a number of temporary staff were brought in. As the CFGB became established, many of these individuals who had

been working in positions on a temporary basis were required to compete for the positions. In many instances, this produced a competitive environment and some disillusionment among the staff, as incumbent candidates were not always selected in the competition for their positions.

As previously mentioned, there were a number of staff in interviews and focus groups who identified concerns with the level of positions, opportunities for advancement in the organization given the limited levels, and the need to leave the organization in order to advance in their career. Of particular concern is the career path of grievance officers (PM-05), who happen to be lawyers, but who would like to work in an LA position within the CFGB.

Managers indicated that they face particular challenges in evaluating potential employees, and then providing adequate training and orientation. The skills and experience set required for grievance officers is somewhat unique to the organization. There is the need to have sound preparation and analysis of cases, good writing skills, the skills to effectively interact with Board Members and legal staff - all within the context of a civilian organization working with and responding to military grievances. While the managers interviewed noted that it is not essential that the grievance officers have military experience, it is desirable to have a few of the officers with military experience so that they can be consulted internally when required.

4.3 Cost-effectiveness

As a relatively new organization, the CFGB has been required to develop many of its processes, operations, and systems without the benefit of models or guidelines. As a result, the CFGB has developed an iterative process in determining what works most effectively and efficiently in producing the desired results. At this stage of its development (five years into operation), the CFGB is reaching a new phase, as it begins to work as a steady-state organization, having almost worked through its significant backlog of cases that were inherited at its inception as an organization. As a result, the findings from this evaluation with respect to cost-effectiveness should be considered as related to a new organization attempting to establish itself, while working through a large backlog of cases. The evaluation team anticipates that the cost-effectiveness issues addressed in the summative evaluation will produce findings more indicative of the CFGB as a more mature organization in a steady-state.

Evaluation Question #9:

To what extent is the current CFGB grievance review process efficient for achieving its stated outcomes?

The CFGB has consistently approached the development of its grievance review process in a trial/feed-back/revise approach, which is conducive to the development of effective and efficient procedures and processes. The management reported that by using this iterative process over the past five years, they have developed processes for work flow that have been responsive to the demands of the types of cases, the skills of the staff, and the requirements of Board Members.

One of the main goals has been to clear the backlog of cases. In interviews with staff, managers, and Board Members, the balance between quality and speed was discussed. The consensus among all groups was that quality was of paramount importance, and speed of completion of cases was to be considered as one aspect of efficiency, but without quality, the system would be inefficient no matter the speed of completion. Managers and staff indicated that they did not feel pressured to compromise quality for speed.

Given the unique characteristics of the backlog cases, it has been difficult for the CFGB to develop efficiency benchmarks for the organization. Targets have been established, but again, caution should be used in assessing future performance measurements on these, as they are based on assumptions and information on cases that are likely not representative of the types and number of cases that will be received by the CFGB in the upcoming few years.

The CFGB has been able to track the real time (actual hours spent on case) spent on individual cases. As illustrated in Exhibit 4.1 below, the real time spent on cases has decreased substantially over the past five years. The average real time on each case steadily decreased from an average of 109 hours in 2000, to 50 hours in 2004. This decrease is likely due to a combination of factors, including increased efficiency due to improved processes and operations, increased experience of staff and Board Members, increased database of precedents, and a change in the nature of cases (e.g., backlog vs. new cases).

Exhibit 4.1: Average Real Time Spent per Case (as of 04/20/2005)

Number of cases received and completed by year received	Average Lapsed (business days) Average Real time (hours)	Total
Year received 2000	<i>Average Business Days Lapsed per case</i>	246
Number cases received 179 Completed to date 177	<i>Average of real time (hours) per case</i>	109
Year received 2001	<i>Average Business Days Lapsed per case</i>	186
Number cases received 105 Completed to date 102	<i>Average of real time (hours) per case</i>	106
Year received 2002	<i>Average Business Days Lapsed per case</i>	182
Number cases received 210 Completed to date 186	<i>Average of real time (hours) per case</i>	73
Year received 2003	<i>Average Business Days Lapsed per case</i>	104
Number cases received 148 Completed to date 98	<i>Average of real time (hours) per case</i>	65
Year received 2004	<i>Average Business Days Lapsed per case</i>	87
Number cases received 107 Completed to date 23	<i>Average of real time (hours) per case</i>	50
Total Average of Business Days for program period (2000 to 2004)		185
Total Average of real time (hours) for program period (2000 to 2004)		87

Managers and staff reported that one of the main impediments to efficiency for the CFGB occurs at the Board Member level. There are a number of cases that have been prepared with the analysis completed, but have not yet been reviewed by Board Members. As previously mentioned, one challenge that has persisted is the number of Board Members, and their capacity to deal with large numbers of cases given their part-time appointments. Furthermore, the positions of Chair and full-time Vice-Chairperson were filled by the same individual for a period of 1.5 year, ending with the appointment of a new full-time Vice-Chairperson in December 2004. However, a part-time Vice-Chairperson and three additional part-time Members remain not appointed by the Governor in Council.

This “bottleneck” in the organization impacts on efficiency given that many times the grievance officer who has prepared the analysis for a case will then have to go back and take time to re-familiarize themselves with the case given the lag in time between when it was prepared and when it was reviewed by the Board Member.

Evaluation Question #10:

Is the current mix and level of resources allocated respectively to grievance operations and to its enabling activities appropriate?

Managers in interviews indicated that the mix of resources allocated to grievance operations and the enabling activities is appropriate. Currently, there is approximately a two-thirds/one-third split between FTEs allocated to operations compared with those allocated to corporate (i.e., 30 FTEs vs. 18 FTEs). A few managers indicated that this ratio will be important to consider as the CFGB moves into a phase of steady-state operations, given that the two-thirds/one-third of allocation for resources may not always be appropriate. They explained that there will always be a critical mass required for corporate activities that may not be within the proportion that has been established over the first five years of the organization when it worked to eliminate the backlog of cases.

Evaluation Question #11:

What steps have been taken to integrate the principles of Modern Comptrollership in its management practices at the CFGB?

Managers reported that they are very satisfied with the managerial tools available to them, and repeatedly indicated that the management information system was particularly helpful to assess performance of the organization. Indications from the document and system review are that the main principles of Modern Comptrollership have been integrated into the management practices. There is ongoing reporting of performance and assessment of results in the main reports (e.g., Annual reports, DPRs, RPPs). The CFGB have developed an RMAF for the organization, including an evaluation strategy, have developed their PAA, commissioned a report on

governance, and have invested resources in the development of a knowledge management system that can produce integrated financial and non-financial performance. There is also evidence that managers use this type of information frequently as they develop operational plans, and modify processes and operations.

Evaluation Question #12:

Does CFGB manage its financial resources efficiently?

External stakeholders indicated in interviews that the results produced by the CFGB were adequate given the budgeted amount of funding for the organization. Managers within the CFGB reported that the original budget established was inadequate given the mandate of the organization, the backlog of cases, and the costs of establishing a new organization. As a result, a substantial portion of the budget of the CFGB in 2002/03 and 2003/04 was provided through supplementals, as illustrated in Exhibit 4.2. This produces particular challenges given the timing of the announcements of supplementals, and the need to then arrange staffing. As a result, there has been some lapsing of supplementary funding over the past years. In order to make the most efficient use of funding available, managers reported that making additional funds as permanent allocations for the CFGB would permit more efficient planning and budgeting for the organization.

Exhibit 4.2: CFGB Budget vs. Actual Spending 2001-2004*

	Planned Spending	Total Authorities	Actual Spending	Lapse
FY 2001/02	9,043,000	9,043,000	7,063,000	1,980,000
FTEs	67	67	48	19
FY 2002/03	8,134,000	11,237,000	8,896,000	2,341,000
FTEs	67	67	46	21
FY 2003/04	6,156,000	7,009,100	6,513,000	496,100
FTEs	46	54	46	8

* For explanations see text above under Evaluation Question #12.

4.4 Success in Achieving Outcomes

One objective of a formative evaluation is to assess progress toward achieving outcomes. Given that this is a formative evaluation, there is more emphasis on progress towards the immediate outcomes. The summative evaluation will place an emphasis on achievement of both intermediate and longer-term, or ultimate, outcomes. For the current evaluation, the team assessed the evidence of achieving the outcome of maintaining objectivity, independence and transparency in operations, the timeliness in producing findings and recommendations, and the production of useful and understandable findings and recommendations.

Evaluation Question #13:

Has CFGB maintained its objectivity, independence and transparency?

The perspectives of external stakeholders were that the CFGB is regarded as independent and objective. Legal representatives of grievors indicated that, while in many cases their clients may not have been initially aware of the role of the CFGB with respect to its relationship to the chain of command, they regard the CFGB as maintaining its objectivity and independence, and being transparent in its operations. This lack of awareness on the part of their clients was attributed to the need for the CFGB and the CF to do more awareness activities with respect to how grievances are processed in the military, and the relationship of the various entities. This perspective was partially echoed by CF respondents, who emphasized the importance of promoting the role of the CFGB as an independent component of the Canadian Forces' larger dispute resolution system.

One major limitation of the present evaluation is that there were no grievors interviewed or surveyed. Part of the evaluation strategy was originally to have information from a survey of grievors available; however, the survey was not implemented in time to be included in the formative evaluation. It will be important that the summative evaluation include information from grievors given their central role as stakeholders in the activities of the CFGB.

Evaluation Question #14:

Is CFGB meeting its time targets? What barriers to timeliness do they face?

The CFGB has established various time targets with respect to the processes involved from the receipt of cases by the CFGB to the provision of F&Rs to the CDS. As discussed in Evaluation Question #9, there are various contextual issues that should be considered in evaluating the attainment of time targets for CFGB within the first five years of its operation. This issue will likely be more accurately addressed in the summative evaluation once a steady state of operations has been achieved for the organization.

Indications from the performance measurement data are that the CFGB is progressing towards a more efficient processing of grievances. The actual hours spent per grievance has steadily decreased over the past five years, and the backlog of cases has been diminishing with expectations that the organization will attain a steady state within the 2005-2006 fiscal year. The area that continues to impede the meeting of time targets is the availability and capacity of Board Members to review cases.

Evaluation Question #15:

Do the CDS and the grievor have a clear and accurate understanding of the rationale of the Board's F&Rs?

The former CDS reported that one of the more impressive aspects of the performance of the CFGB has been the depth and detail of the analyses of cases. The F&Rs produced are viewed as comprehensive, extremely well thought-out, and of a very high quality.

5.0 Conclusions and Recommendations

Based on the findings outlined in the body of this report, the evaluation team drew the following conclusions and recommendations.

5.1 Conclusions

5.1.1 Rationale and Relevance

Findings indicated that the CFGB's operations are consistent with its mandate and are appropriately focused on achieving its intended outcomes. The ultimate strategic outcome expected of the CFGB is that its recommendations are implemented in the Canadian Forces and lead to improvements in the conditions of work. The vast majority of CFGB findings and recommendations were indeed endorsed by the CDS, and those that weren't are said to have nevertheless been useful and taken into account in CF policy reviews, including the impact of recommendations on improving conditions of work in the Canadian Forces at the systemic level. Evidence indicated that other factors beyond the control of the CFGB may limit the potential impact of the recommendations.

5.1.2 Design and Delivery

The evaluation team found clear evidence of the flexibility and dedication of the CFGB managers and staff to continuously improve the Board's design to ensure that it functions effectively and meets its targets.

Key informants reported a good understanding of roles and responsibilities and effective teamwork within units and within the management team, but there remains a need for improved understanding of roles and responsibilities and collaboration across units. Internal communications have improved over the past 18 months, but there is still room for more and better interactions between staff and managers with respect to feedback on performance, case loads, and access to organisational level information on CFGB direction, and planning.

For a small agency, the CFGB has developed a comprehensive management information system. It is seen as providing useful, high quality, and timely performance information to assist managers in their managerial role and to support the Board Members' work.

While CFGB staff and managers generally have the appropriate mix of skills and experience to perform their tasks, the main challenge has been to attract and retain staff, which can at least be partially attributed to a lack of opportunities for career advancement and mobility within the organisation. To address the backlog of cases, the CFGB was required to hire temporary staff. A competitive environment was created when came time to fill these positions and the incumbents did not qualify. Overall, staff generally expressed satisfaction with many aspects of their working conditions, including high satisfaction with the training opportunities offered and the office setting provided. Evidence indicates that the Board management is taking appropriate steps to remedy its human resource challenges.

Until the CFGB has achieved a steady-state in terms of its workload, it is difficult to assess whether it has the flexibility in resources to respond to a variable workload.

5.1.3 Cost-effectiveness

The CFGB has adopted an appropriate iterative approach to developing its grievance review process. In clearing the backlog of cases, the Board is viewed as having maintained an appropriate balance between the quality and the timeliness of the production of findings and recommendations. As the Board improved its processes and operations, increased the experience of its staff and Board members, and created a body of precedents to draw from, the average real time spent on each case has steadily decreased from an average of 109 hours in 2000 to 50 hours in 2004. It should be noted however, that this may not be representative of the types and number of cases that will be received by the CFGB in the upcoming years. As a result, caution should be used in the development of baselines and targets based solely on the past four years of performance data.

One key impediment to efficiency has been the small number of Board Members and their capacity to deal with large number of cases given their part-time appointments. This has resulted in a bottleneck impacting on the Board's efficiency.

Overall, the CFGB appears to have the appropriate amount and balance of resources to meet its mandate, taking into account the use of supplementals. Its efficiency will likely improve when the Governor in Council appoints new Board members and as it reaches a steady-state following elimination of its backlog of cases.

5.1.4 Success

Overall, the CFGB appears to have been quite successful at establishing an efficient and effective new organization, in a relatively short period of time, despite limited guidance and support from central agencies, and without the benefit of experience from similar organizations. The Board's work is respected by external stakeholders for its independence, objectivity, and transparency. The one area for improvement would be in ensuring that CF members and others know about the CFGB, its mandate and role.

The CFGB has essentially succeeded in eliminating the backlog of cases it inherited at the start, and is now entering a steady-state stage of operations. Indications from the performance measurement data are that the CFGB is progressing towards a more efficient processing of grievances, the time spent per case having steadily diminished. The Board's success in meeting its time targets will better be measured once it has reached a steady state and established new post-backlog targets. There are a few examples of impact of the Board's recommendations at a systemic level for the CF, and the CDS endorses the vast majority of the findings and recommendations.

5.2 Recommendations

In light of the above conclusions, the evaluation team recommends the following:

- That the CFGB continue to engage in the active promotion of its role and mandate to members of the Canadian Forces.
- That the CFGB finalize and implement its new system to systematically collect and integrate feedback from grievors within its overall performance measurement framework.

- That the CFGB continue to review the performance targets to ensure they are valid for a steady-state of operations.
- That the CFGB monitor the effectiveness of its new internal communications plan to improve the quality and quantity of information flowing between managers and staff; and across units.
- That the CFGB pursue as planned for 2005/06 its decentralization of financial authority to managers to improve their capacity to manage effectively and efficiently.
- That the CFGB continue to seek the appointment of new Board Members.

5.3 Considerations for Summative Evaluation

A summative evaluation is planned to take place in 2010, at which time it is expected the CFGB will have attained a steady-state of operations. It will then be possible to more accurately measure its achievement of expected outcomes.

Following elimination of the backlog of cases referred to the Board prior to December 31, 2003, the CFGB should monitor the number and types of cases submitted by the CDS in order to adjust its performance targets. These targets should then be used at the summative evaluation to assess the Board's efficiency and cost-effectiveness.

It will also be important that the summative evaluation include information from grievors, given their central role as stakeholders in the activities of the CFGB. A survey and/or key informant interviews with grievors could be conducted to gauge their understanding of the unique role of the Board and their satisfaction with the Board's independence, objectivity and transparency, with the grievance process as a whole, and with its outcomes.

Finally, in light of the finding that the Board's analysis for each case is useful to the Canadian Forces, irrespective of the CDS decision, the CFGB's evaluation matrix could be revised and its success indicators refined to take this type of outcome into account.