

## Evaluating Remedial Performance

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"Taking Remedies Seriously"

## Why Evaluate Public Bodies?

- ▶ Tribunals, agencies, boards and commissions are public bodies which spend public dollars in order to fulfill a public mandate set out in legislation. To whom are they accountable?
- ▶ The independence of the adjudicative tribunals, and their role in advancing public policy objectives, have been confirmed by the Supreme Court (*Matsqui* (1995) and *Ocean Port* (2001)) Remedies lie at the heart of accountability, but do some forms of accountability undermine independence?
- ▶ What does remedial accountability mean in the context of an independent adjudicative?

## Criteria for Evaluation

- ▶ Fulfillment of statutory purpose
- ▶ Quality of reasoning, fact-finding, etc
- ▶ Reputation/satisfaction among users, advocates, stakeholders, the public, etc
- ▶ Impact of remedial decisions on intended parties (e.g. HPARB decisions on health colleges)
- ▶ Efficient and effective use of resources (e.g. staffing, technology, member resources)
- ▶ Value for money, cost effectiveness (e.g. Provincial audits)

## Forms of Evaluation

- ▶ Annual Report; Parliamentary Oversight
- ▶ Independent Oversight (e.g. Auditor General, Integrity Commissioner, Ombudsman)
- ▶ Judicial Review
- ▶ Ministerial Accountability
- ▶ Internal Review, Supervision by Chair
- ▶ External Review (consultants, academic studies, etc)
- ▶ Media (investigative journalism, etc)

## Methodologies for Evaluation

- ▶ Tracking decisions, collecting data & monitoring impact
- ▶ Exit surveys & questionnaires
- ▶ Qualitative studies (interviews and observation)
- ▶ Quantitative studies (randomized control studies, etc)
- ▶ Comparative studies
- ▶ Historical studies
- ▶ Normative studies

## Playing with Numbers: Cases & Cautionary Tales

- ▶ Human Rights Reform in Ontario – a problem in search of a solution or a solution in search of a problem?
- ▶ Alberta *Public Agencies Governance Act* S.A. 2009 c.A-31.5 (“mandates and roles” document) (s.12(a) “Every public agencies shall make all reasonable efforts to fulfill its mandate...”)
- ▶ Social Benefits Tribunal – Provincial Auditor’s ODSP Value-for-Money Audit in 2004-2006
- ▶ IRB – media reports of regional and member inconsistency in rejection/acceptance rates

## Health Boards Impact Study

- ▶ Health Boards Impact CIHR Project - Adjudicative tribunals (HPARB & HSARB) play an important role in the health sector, yet their actual influence as part of the health system remains largely unknown
- ▶ Looking ahead to what an empirical study of Board remedies might include