



Aboriginal Affairs and
Northern Development Canada

Affaires autochtones et
Développement du Nord Canada

Final Report

Lessons Learned Study of the Common Experience Payment Process

Project Number: 1570-7/13076

February 2015

Updated: June 2017

Evaluation, Performance Measurement,
and Review Branch
Audit and Evaluation Sector

Table of Contents

ACRONYMS	I
EXECUTIVE SUMMARY	II
1. INTRODUCTION	1
1.1 OVERVIEW	1
1.2 LESSONS LEARNED STUDY OBJECTIVES	1
1.3 CEP PROGRAM PROFILE/BACKGROUND	2
2. LESSONS LEARNED FRAMEWORK	10
2.1 LESSONS LEARNED ISSUES AND QUESTIONS	10
3. LESSONS LEARNED METHODOLOGY	11
3.1 OBJECTIVE	11
3.2 SCOPE	11
3.3 METHODOLOGIES	11
3.4 CHALLENGES/LIMITATIONS AND MITIGATION STRATEGIES.....	12
4. LESSONS LEARNED FINDINGS: KEY OBSERVATIONS	16
5. LESSONS LEARNED STUDY FINDINGS: DESIGN	22
6. LESSONS LEARNED FINDINGS: DELIVERY	29
7. LESSONS LEARNED AND BEST PRACTICES	44
8. CONCLUSION	48
APPENDIX A – LOGIC MODEL	49
APPENDIX B – CEP ASSESSMENT PROCESS MAP	50
APPENDIX C - LEGISLATION	51
APPENDIX D – TERMS OF REFERENCE FOR WORKING GROUP	52
APPENDIX E – LIST OF DOCUMENTS	55
APPENDIX F - A MAP OF INDIAN RESIDENTIAL SCHOOLS	56
APPENDIX G – CEP AND INDEPENDENT ASSESSMENT PROCESS ORGANIZATIONAL GOVERNANCE	57

Acronyms

INAC	Indigenous and Northern Affairs Canada ¹
ATIP	Access to Information and Privacy
CEP	Common Experience Payment
DRO	Dispute Resolution Operations
EPMRB	Evaluation, Performance Measurement and Review Branch
IRS	Indian Residential Schools
OIRSRC	Office of Indian Residential Schools Resolution Canada
PPC	Policy, Partnerships and Communications
SADRE	Single Access Dispute Resolution Enterprise

¹ The Office of Indian Residential Schools Resolution Canada (OIRSRC) was established as a federal department in June 2001. On June 1, 2008, the IRSRC was merged with INAC, which is now Indigenous and Northern Affairs Canada (INAC). For clarity, the Department is employed throughout this Lessons Learned report document to refer to the OIRSRC, IRSRC, AANDC, INAC and related previous organizations with responsibilities for the CEP. In some cases, OIRSRC is used to clearly delineate and emphasize a period where the OIRSRC was the actual department managing the CEP, as distinct from INAC

Executive Summary

Introduction

Throughout the duration of a project, lessons are learned and opportunities for improvement are brought to light. As part of a process that is designed or seeks to ensure continuous improvement, documenting lessons learned helps project administrators discover the sources of problems that arose and avoid those problems in later project stages or future projects. Best practices are also determined for the benefit of similar projects in the future.

This report is the final output of the Lessons Learned Study of the Common Experience Payment (CEP), which examined the response of the Office of Indian Residential Schools Resolution Canada (OIRSRC) to the March 2007 court approval of the Indian Residential Schools Settlement Agreement (Settlement Agreement). The Study objective was to determine, to the extent possible, what went right and what went wrong in the design and implementation of the response to the Settlement Agreement and to present its findings in this report. It was also to present information relevant to better planning of future projects and the prevention or minimization of risks as well as improvement of new project implementation.

The Study, undertaken by the Evaluation, Performance Measurement and Review Branch (EPMRB) of Indigenous and Northern Affairs Canada (INAC), analyzed information from multiple sources. First, key internal documents and files were examined, such as assessments conducted by operational areas within the OIRSRC to determine the eligibility of applicants. Second, interviews were conducted with available staff involved in the CEP delivery. Third, reviews of literature relative to projects similar to the CEP (in Canada and internationally) were undertaken. Finally, administrative and financial documents were examined.

CEP Background

The Royal Commission on Aboriginal Peoples in its 1996 report brought the experiences of former Aboriginal students at Indian Residential Schools (IRS) to national attention. In 2001, the Office of Indian Residential Schools Resolution Canada (OIRSRC) was created as a separate department with a mandate to address the legacy of the IRS and to manage and resolve claims. The OIRSRC was thus responsible for administering claims made by former students of the IRS system. According to a 2005 report by Siggner & Associates Inc. entitled “Estimating the Residential School Attendee Population for the Years 2001, 2005 and 2006,” there were an estimated 78,994 former residential school students alive as of 2006.

In May 2006, the Government of Canada announced the approval by all parties of the Settlement Agreement and in March 2007, the Settlement Agreement received approval from nine courts across Canada. Under the Agreement, a Trust Fund of \$1.9 billion was established for the Common Experience Payment, which provided eligible former students \$10,000 for the first year (or part thereof) of their residence at an eligible IRS plus \$3,000 for each additional year (or part thereof). As per the Settlement Agreement, if more than \$40 million remained in the Trust Fund after all CEP had been paid, funds would be made available to CEP recipients, upon application, in the form of non-cash Personal Credits of up to \$3,000 each for educational purposes.

In August 2007, the parties to the Settlement Agreement endorsed the CEP Validation Protocol.

In reading this report, it is necessary to understand the environment in which the OIRSRC had to implement the CEP and the challenges staff faced as a result. For example, once the court decision came down in March 2007, there was a period of consultations with the National Certification Committee to formalize a framework of processes that conformed to the Settlement Agreement. It was in late August 2007 that this was finalized, a month before the launch of the CEP. Thus, the CEP process had to be developed and implemented within a very short timeframe and deal with various challenges. Regional OIRSRC departmental personnel also encountered numerous challenges in administering the initiative. Nevertheless, the OIRSRC dealt with these issues as necessary within the timeframe of the CEP.

Out-of-scope issues

The Study was based on the OIRSRC's role as defined in its Memorandum of Understanding with Service Canada, as both organizations were responsible for administering the CEP. However, the study did not focus on questions relating to the relevance or effectiveness of the CEP for a number of reasons, including the fact that, as a court ordered settlement, the Government had a legal obligation to implement all components of the Settlement Agreement. A conscious effort was also made to avoid subjecting CEP recipients to multiple data collection processes, which could be burdensome to them and be misconstrued as re-victimizing former students. Moreover, a study completed by the Aboriginal Healing Foundation had considered the perspective of former students and an evaluation by Service Canada had addressed the relevance and effectiveness of the CEP.

Overall Lessons Learned Study Findings

The Settlement Agreement was the first and largest class action settlement of its kind in Canada's history. It tested the OIRSRC's abilities, and it is important to acknowledge at the outset that staff worked extremely hard in the delivery of the CEP. They demonstrated excellent professionalism and commitment and their dedication to responding to the needs of former students is commendable. As the Study found, the overall message directing the CEP response was to "get it done" in order to ensure that Canada lives up to its obligations and commitments to former students and their families.

What worked well?

Overall, implementation of the CEP can be viewed positively, recognizing that there were many challenges to be overcome. It is from these challenges that lessons can be learned to improve future initiatives.

Financial controls / forms and procedures

Based on documents reviewed, within the OIRSRC Oracle Application Software Implementation Strategy financial system were two key financial control points in the validation and financial payment process: the *Financial Administration Act Section 34* and *Section 33* approvals, where a s.34 sign-off confirmed that the payee was eligible for or entitled to the payment and a s.33 sign-off

authorized the payment of the \$8,000 provided to claimants as part of the Advance Payment process, which was to be deducted from any future CEP payment. A pre-audit was also performed by Service Canada to ensure appropriate control points were part of the Section 34 approvals.

Operational management

Key structures, resources, relationships, plans and tools were in place. However, when the OIRSRC resources were overwhelmed and unable to meet the huge demands, for instance, reconsideration requests, OIRSRC officials initiated a ramp-up of resource levels, and increased its use of private sector contractors for assistance in an effort to meet pressing needs.

Staff also showed remarkable dedication and endurance and an ability to respond rapidly to changing circumstances. The CEP staff's capacity to respond to pressing events was a crucial factor in maintaining momentum and reaching key milestones (e.g., the delivery of cheques to former students). This is perhaps best seen in light of two unanticipated challenges: the sudden avalanche of applications that were submitted and the Minister's instruction in the month of November 2007 that CEP officials complete 53,000 files by December 22nd. The ability of CEP staff to respond demonstrates the OIRSRC's ability to maintain a strong field operation and shift strategies as circumstances changed.

Outreach

Involving the community early in the implementation of the response to the Settlement Agreement proved effective. Local community members were helpful in contacting or assisting applicants and this was widely seen by study key informants as beneficial in terms of outreach. For example, CEP outreach efforts helped to ensure that the Indigenous community was well informed of the benefits available to former IRS students through the Settlement Agreement.

Awareness Initiative

Another example of involving the community early was the awareness initiative aimed at eligible former students at the beginning of the CEP. This informed them of the importance of having bank accounts, to exercise caution and to be aware of predatory behaviour by those who might try to mislead or take advantage of them. This was a key initiative and as a result, the chances of recipients being misled were controlled or at least limited to some extent.

According to study interviewees, the awareness initiative was a success. This was demonstrated when a leading member of the Indigenous community came to the OIRSRC to, symbolically, make the first call to the first recipient when the first cheque was to be delivered. Anecdotal evidence suggests that when this first call was made, the recipient on the other end of the line responded “You’re a scam artist,” which shows the effectiveness of the awareness initiative. It was also noted that the Royal Canadian Mounted Police and others were involved in protecting former IRS students from harm.

Communication

Communications with staff began early and was extensive. Nonetheless, the geographical separation of departmental offices created difficulties and challenges and there were times that those in the Vancouver office did not receive information that was meant for all CEP administrators. For example, during the late summer and early fall of 2007, documents and interviews show that personnel and organizational changes led to a communication breakdown such that information was not reaching all the National Research and Analysis Unit staff. However, over time these types of difficulties were addressed and communication improved.

Improvement was apparent in the documents reviewed, which showed that best practice sessions were used by the OIRSRC as one of the controls to improve communications. For example, CEP Research “Best Practices” sessions with all CEP researchers and staff were held to clarify process questions and identify approaches to improving overall productivity.

Another key accomplishment of the CEP was the well-organized administrative and governance processes. The departmental administration brought together the key decision makers to ensure accountability, tracking, and ultimate success. For example, senior management maintained regular communication with staff, monitoring progress and management as part of meeting the public and fiscal responsibility for the CEP. Because it was primarily a manager who reported to, and was accountable to, senior management, developing a positive rapport greatly facilitated the process. For example, the study found that the Vancouver office director frequently traveled between Vancouver and the National Capital Region and, to the extent possible, kept the Vancouver regional staff apprised of CEP developments in the National Capital Region and vice versa.

Primary Challenges

The CEP implementation challenges involved a combination of factors, including, for example, an Information Technology (IT) system that required significant work and a changing business environment. In fact, multiple factors operating in parallel created multiple challenges for the CEP. Overall, and to varying degrees, the Study found that though the CEP process met key implementation objectives, some areas in management and administration, as described below, needed attention but were not adequately addressed during the implementation phase of the CEP.

Information Technology

A critical element of the CEP response, IT, was executed late, ineffectively or not at all in the initial stages, which affected timeliness in the CEP delivery. There were two departments involved, Service Canada, which was much bigger with multiple critical service delivery requirements and experience and one, the OIRSRC, which was small with a singular focus. Implementing IT changes at Service Canada meant following rigid protocols, especially when making changes to template response letters.

In the CEP preparation phase, adequate time was needed for such an especially large, complex and national initiative. Recognizing the well-known consequences of any tardiness in delivering cheques to former students, major efforts at establishing key structures should have been made earlier, prior to the Settlement Agreement being approved, i.e. no later than August 2007, a month before the CEP implementation. To compound the situation, the OIRSRC around the same time was in the preparation stage of a machinery of government change process whereby it was to be incorporated into the much bigger Department of Indian and Northern Affairs Canada, now Indigenous and Northern Development Canada (INAC).

The IT challenges also affected coordination between the geographically separated CEP staff. IT tools are useful for integrating multiple factors and entities in order to ensure communication, uniformity and ease in the execution of tasks and other responsibilities. The study found, however, that due to IT problems, coordination of efforts between the two OIRSRC offices, as an example, suffered in the sense that the standards being used by the different offices were not the same.

The National Administration Committee

The National Administration Committee, an all party committee overseeing the administration of the Settlement Agreement, was the result of a requirement in the Settlement Agreement. The Committee strove to make decisions by consensus but when consensus was not achieved, decisions required a majority vote of five members. In expanding the research report requirements, the National Administration Committee added an additional process following the first decision (made exclusively by the OIRSRC, reconsideration. To add to this situation, the National Administration Committee heard appeals by unsuccessful applicants, which led to the creation of its own process, and which caused significant delays. The National Administration Committee itself did not anticipate the high number of appeals. The OIRSRC (i.e. the CEP implementers) had to follow up to ensure that no former IRS student “fell through the cracks” as a result of this “alternate process”.

Contingency Plan

At the pre-Settlement Agreement approval stage, there was a lack of a contingency plan. The Study did not find any document which demonstrated that a contingency plan was put in place between May 2006, when the Government of Canada announced the approval by all parties of the Settlement Agreement, and March 2007, when the Settlement Agreement received approval from nine courts across Canada. Moreover, most of the OIRSRC responses to the Settlement Agreement were simultaneous and undertaken in real time to ensure meeting the Settlement Agreement’s requirements. A contingency plan prior to the Settlement Agreement, even if not finalized, could have proven invaluable to the CEP response effort.

The Settlement Agreement resulted in a massive undertaking to ensure its implementation. The overall conclusion is that the OIRSRC (CEP staff) maintained an efficient internal control in the majority of the key activities involved in delivering the CEP. However, certain areas required corrective action. In order to address these, decisions were made and revisions in practice undertaken that strengthened overall accountability and improved the management of the OIRSRC processes. The CEP is currently in a wind-down phase, expected to be completed when the requests for the addition of new schools to the Settlement Agreement are exhausted before the courts.

1. Introduction

1.1 Overview

A Lessons Learned Study of the Common Experience Payment (CEP) was undertaken by the Evaluation, Performance Measurement and Review Branch (EPMRB) of the Audit and Evaluation Sector, Indigenous and Northern Affairs Canada (INAC). The objective of the study was to obtain an independent assessment with regard to how the Office of Indian Residential Schools Resolution Canada (OIRSRC) fulfilled its responsibilities in relation to the CEP, one of the components of the Indian Residential Schools Settlement Agreement. The lessons learned from the CEP experience are meant to help guide and inform any future government initiatives that provide for similar compensation payments.

The Aboriginal Healing Foundation completed studies on the impact of lump-sum compensation payments in 2007² and the impact of the CEP on recipients in 2010³. In addition, Service Canada (part of Employment and Social Development Canada) completed an evaluation of its CEP responsibilities in May 2013⁴. This INAC Lessons Learned Study will complement these studies by focusing on the OIRSRC response to the Indian Residential Schools Settlement Agreement (hereon referred to as the Settlement Agreement) through examining the design and delivery of its CEP responsibilities. The Study covers the period between 2007-08 and 2012-13.

1.2 Lessons Learned Study Objectives

The overall objective of the Study was to provide the Government of Canada with lessons learned and best practices to inform the design and delivery of possible future compensation payments. A “lessons learned” study is the process of gathering, documenting and analyzing responses to key events that happened during the design and implementation of a program and that may be beneficial to similar programs in the future.

Throughout each project or program’s life cycle, lessons are learned and opportunities for improvement discovered by documenting best practices that were developed and implemented. Capturing lessons learned is an integral part of every project or program as part of a continuous improvement process and in helping program administrators discover any root causes of problems that occurred during the delivery of the program. This helps avoid any identical problems in programs that are similar in nature.

² AHF, “Lump Sum Compensation Payments Research Project: The Circle Rechecks Itself”, 2007.

³ AHF, “The Indian Residential Schools Settlement Agreement’s Common Experience Payment and Healing: A Qualitative Study Exploring Impacts on Recipients”, 2010.

⁴ ESDC, “Evaluation of the Delivery of the Common Experience Payment”, May 14, 2013.

Out-of-scope issues

This Study is based on the OIRSRC (now part of INAC) role as defined in its Memorandum of Understanding with Service Canada, as they worked together to administer the CEP. The Study did not focus on questions relating to the relevance or effectiveness of the CEP since: i) it was part of a court ordered Settlement Agreement which the Government was obligated to implement in its entirety; and ii) given the sensitive nature of the topic, there was a conscious decision to not engage CEP recipients directly in a government-led study. Relevance and effectiveness are explored in the evaluation completed by Service Canada while the Aboriginal Healing Foundation studies considered directly the viewpoints of former students of Indian Residential Schools (IRS).

1.3 CEP Program Profile/Background

Context, History, Rationale and Impetus – Indian Residential Schools Settlement Agreement

The Government of Canada began to play a role in the development and administration of IRS in 1874. It operated nearly every school as a joint venture with various religious organizations, including the Anglican, Presbyterian, United and Roman Catholic churches. The IRS⁵ are those where Indigenous children were placed in a residence for the purposes of education by, or under the authority of the Government of Canada. The Government of Canada was jointly responsible for the operation of the residence and care of the children therein. Some 150,000 Indigenous children were removed and separated from their families and communities to attend residential schools. There were over 139 schools located in every province and territory except Newfoundland, New Brunswick and Prince Edward Island. While most IRS ceased to operate by the mid-1970s, the last federally run school closed in the late 1990s.

The Royal Commission on Aboriginal Peoples in its 1996 report brought the experiences of IRS former students to national attention. In 2001, the OIRSRC was created as a separate department with a mandate to address the legacy of IRS and to manage and resolve claims. According to a 2005 report by Siggner & Associates Inc. entitled “Estimating the Residential School Attendee Population for the Years 2001, 2005 and 2006,” there were an estimated 78,994 former residential school students alive as of 2006, all of whom were Indigenous people.

As the number of cases in litigation grew, the Government of Canada began exploring alternative approaches to reaching a resolution. However, approaches such as litigation and Alternative Dispute Resolution proved to be challenging. On May 30, 2005, the Government of Canada appointed the Honourable Frank Iacobucci to work with legal counsel for former students, legal counsel for churches and other representatives of former students, including the Assembly of First Nations and other Indigenous organizations, to conclude an agreement that would address not only cases of abuse but also the broader harms arising from the IRS experience.

⁵ As recognized by Canada, and all parties to the Indian Residential Schools Settlement Agreement (legal counsel for former students, legal counsel for the Churches, the Assembly of First Nations, other Indigenous organizations)

The Indian Residential Schools Settlement Agreement

In May 2006, the Government of Canada announced the approval by all parties of the Settlement Agreement. So far, it is the largest class action settlement agreement in Canadian history. In September 2006, the Government of Canada approved \$3.2 billion over seven years for implementation of the Settlement Agreement.

In March 2007, the Settlement Agreement received approval from nine provincial courts across Canada. The implementation of this historic settlement was meant to bring about a fair and lasting resolution to the legacy of the IRS whereby former students could benefit from the individual and collective measures provided by the Settlement Agreement. The Settlement Agreement included the following measures to address the legacy of the IRS system:

- The CEP to be paid to all eligible former students who resided at a recognized IRS;
- An Independent Assessment Process - a claimant-centered, non-adversarial, out-of-court process for the resolution of claims of sexual abuse, serious physical abuse and other wrongful acts suffered at IRS;
- A Truth and Reconciliation Commission, mandated to hold seven national events, support community events, create a public historical record and promote awareness about the IRS system and its impacts;
- Commemoration, a \$20 million initiative which supports local, regional and national activities that honour, educate, remember, memorialize and/or pay tribute to former IRS students, their families and their communities; and
- Measures to support healing such as the IRS Resolution Health Support Program and an endowment to the Aboriginal Healing Foundation.

CEP

“Common Experience Payment,” means a lump sum payment made to an eligible CEP Recipient in the manner set out in Article (5) of the Agreement.

Under the Settlement Agreement, a Trust Fund of \$1.9 billion was established for the CEP, which provided eligible former students \$10,000 for the first year (or part thereof) of their residence at an eligible IRS plus \$3,000 for each additional year (or part thereof). As per the Settlement Agreement, if more than \$40 million remained in the Trust Fund after all the CEP had been paid, funds would be made available to CEP recipients, upon application, in the form of non-cash Personal Credits of up to \$3,000 each for educational purposes. Following implementation of Personal Credits, any remaining balance in the trust fund would then be transferred to the National Indian Brotherhood Trust Fund and the Inuvialuit Education Foundation for education programs.

Eligible CEP Recipient

Eligible CEP Recipient means any former IRS students who resided at any Indian Residential School prior to December 31, 1997, who was alive on May 30, 2005, and who does not opt out or is not deemed to have opted out of the Class Actions during the Opt-out Periods or is a Cloud Student Class Member⁶.

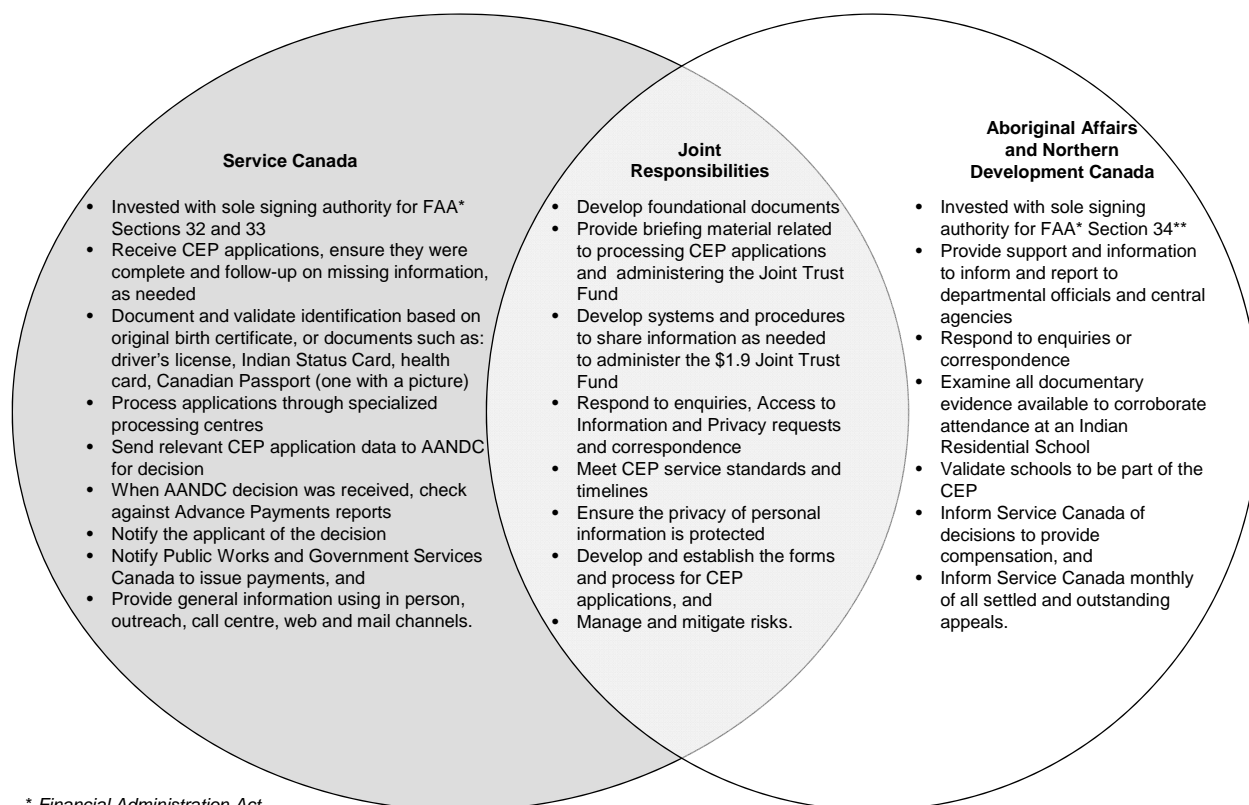
The compensation process started from the time a former student filled out a CEP application form to the time when either payment was made or when the applicant was informed of a denial of the application. The key aspects of the CEP process included the following:

1. *The Initial CEP Application*: this was the application form that required key information in order to allow the OIRSRC to validate the years of residence at one or more recognized schools. All CEP applications were processed by Service Canada, which then sent them to the OIRSRC where they were verified and an eligibility decision made. Once the applications were processed by the OIRSRC, Service Canada mailed out the results or decision letters and then issued payments to eligible recipients.
2. *The CEP Reconsideration Request*: for those CEP applicants unsuccessful in their application or not satisfied with the decision regarding their payment, there was the option of requesting a reconsideration of their initial application. Research and results of the original application were reviewed in detail, and additional research (document search and/or contact with the applicant) was conducted by the OIRSRC. Again, Service Canada was responsible for mailing the decision letters and making payments.
3. *The CEP Appeal request to the National Administration Committee*: applicants who received unfavorable decisions on their reconsideration request could submit an appeal request to the National Administration Committee. Before the appeal is reviewed, OIRSRC performed a detailed review of the original and reconsideration assessments, performed additional research to incorporate new information obtained through the appeal request (document search and / or contact with the applicant).
4. *Court appeal as a final step*: applicants could appeal to the Court if the National Administration Committee denied their request. A summary report was prepared and submitted to the Court, along with relevant documents, for review and final decisions.

The Trust Agreement within the Settlement Agreement provided that the ministers responsible for INAC (formerly the Office of Indian Residential Schools Resolution Canada) and Employment and Social Development Canada act as Representative Ministers of the Trustee, Her Majesty the Queen in Right of Canada. To administer the lump sum payment under the CEP, the OIRSRC collaborated with Service Canada, which had the expertise to process applications, assist applicants and issue payments. The OIRSRC's key role was to validate the number of years applicants attended a residential school and provide clearance to Service Canada to issue a payment in a specific amount based on the research. Roles and responsibilities between the Department and Service Canada for the design and delivery of the CEP are delineated in a Memorandum of Understanding. Below is a summary chart of the OIRSRC's and Service Canada's roles and responsibilities:

⁶ Cloud Student Class Member refers to all individuals who are members of the classes certified in the Cloud Class Action. The Cloud Class Action is a court case, the *Marlene C. Cloud et al. v. Attorney General of Canada et al.* (C40771) action certified by the Ontario Court of Appeal by Order entered at Toronto on February 16, 2005.

Chart 1 (Memorandum of Understanding)



* *Financial Administration Act*

** Service Canada sub-delegated its responsibilities for Section 34 to AANDC.

Advance Payment

In order to advance money to eligible recipients, the Advance Payment program was implemented by the OIRSRC on May 10, 2006. Any former student who resided at a listed IRS and was 65 years of age or older by May 30, 2005, was eligible for the Advance Payment. The \$8,000 provided to claimants under the Advance Payment process was to be deducted from any future CEP payment. By the end date of the Advance Payment program (December 31, 2006), 13,547 applications had been received by the OIRSRC, approximately 10,300 payments had been disbursed to recipients and, 3,210 applications had been deemed ineligible for payment.

CEP under the OIRSRC

The OIRSRC, a department listed in Schedule IV of the *Financial Administration Act*, was established by Order-in-Council (P.C. 2001-994) on June 4, 2001. The OIRSRC was mandated to address and resolve any issues arising from the legacy of the IRS. As a department, the OIRSRC had one Strategic Outcome: to advance reconciliation among former IRS students and the Government of Canada.

In early 2007, the OIRSRC organizational context consisted of seven branches, six of which reported directly to the Assistant Deputy Minister, as follows:

1. Common Experience Payment and Research
2. Independent Assessment Process Secretariat
3. Dispute Resolution Operations
4. Policy, Partnerships and Communications
5. Corporate Services
6. Human Resources
7. Audit and Evaluation

CEP Governance Structure

In terms of governance, the OIRSRC's management committee was chaired by the Deputy Head and consisted of all directors general and some directors. The committee met once a week to discuss operational matters and related human resources questions.

While several departments had played a role in the administration of the IRS system, the OIRSRC was tasked with coordinating activities related to the Settlement Agreement.

The lead minister for the Settlement Agreement, including for the CEP, was the minister responsible for the OIRSRC and for focusing and leading federal efforts to manage and resolve abuse claims and address the legacy left by the IRS system. Since the OIRSRC-INAC merger in June 2008, the INAC Minister has been the CEP lead.

On June 1, 2008, responsibility for the oversight of the timely and effective implementation of the Settlement Agreement was transferred to INAC's Resolution and Individual Affairs Sector. To this end, the Resolution and Individual Affairs Sector continues to liaise with all other Program Interlocutors (Service Canada and Crawford) and the courts to share information about the efforts being made to implement the Settlement Agreement.

CEP Management

Office of Indian Residential Schools Resolution Canada (now INAC)

As mentioned, the Memorandum of Understanding between the two departments clearly defined respective roles and responsibilities. The OIRSRC: coordinated the notification of former students; established the eligibility criteria for the application process; verified applications using various methods of research (e.g., historical records, interviews); worked directly with CEP applicants to confirm details on application forms; confirmed amount of payments; provided authorization for payments; managed the reconsideration process in cases where a CEP applicant could provide additional information to substantiate an application and appealed for reconsideration of the previous decisions; provided updates to applicants on the status of applications; and responded to applicant queries.

The CEP was coordinated through two units within the Resolution and Individual Affairs Sector.

1. The CEP Coordination Unit: responsible for the coordination and overall implementation of the Department's responsibilities related to the CEP. It acted as the key liaison between the Department and Service Canada as well as with the OIRSRC, the Department of Justice and the National Administration Committee on issues related to CEP implementation.
2. The National Research and Analysis Directorate Unit: its main roles were collecting records that could be used to validate former students' residency, researching its document collections and databases (electronically and manually), identifying gaps in records, identifying information issues that might require follow-up with former students, determining eligibility, authorizing all Section 34 payments, and regular performance management reporting.

Partners, Beneficiaries and Stakeholders:

Partners

Service Canada (part of Employment and Social Development Canada) was the key OIRSRC partner in the administration of the CEP. In broad terms, Service Canada was responsible for receiving and processing all CEP applications, confirming the identity of applicants, providing guidance to CEP applicants in completing forms, issuing payments to CEP applicants deemed eligible and providing financial oversight to the administration of the Trust Fund.

Health Canada managed the Resolution Health Support Program, which included: professional counseling services; paraprofessional services through Indigenous community-based workers, many of whom speak Indigenous languages; cultural support services provided by Elders; and transportation to access services not available in the home community. Under the Settlement Agreement, CEP applicants were eligible to access these supports.

The *Department of Justice* represented Canada in the Settlement Agreement negotiations and Department of Justice counsel served as Canada's representative on the all-party National Administration Committee. The federal government was also a defendant in the Settlement Agreement litigation. As well, the Department of Justice worked to advise and represent Canada with respect to appeals to the National Administration Committee and appeals requesting the addition of new IRS to Article 12 of the Settlement Agreement.

Crawford Class Action Services was appointed by the Court to monitor Canada's compliance with the Settlement Agreement (as a result, no contract was required; the Government of Canada was responsible for paying for services rendered). Crawford maintains the official website containing information and updates on all aspects of the Settlement Agreement and toll free phone lines for general Settlement Agreement information as well as dedicated lines for CEP and Independent Assessment Process claimants. Specific to the CEP, it also operated the CEP Response Centre. This involved operating a call centre to provide general information and updates on CEP applications at all stages of the process. The call centre was also responsible for document intake and processing of additional information from applicants. Crawford was as well *the CEP Appeal Administrator* and was the conduit for information transfer to and from the National Administration Committee and the OIRSRC. Crawford informed the OIRSRC and applicants directly of National Administration Committee decisions and also performed a similar role for CEP Appeals to the Court.

The National Administration Committee. An all-party committee that oversees the administration of the Settlement Agreement. It was mandated in the Settlement Agreement to interpret and ensure proper implementation of the Approval Orders⁷ and consider CEP appeals. The National Administration Committee is made up of lawyers who represented all of the parties (Canada, Church Organizations, the Assembly of First Nations, the National Consortium, the Merchant Law Group, Inuit Representatives and Independent Counsel). The National Administration Committee strove to make decisions by consensus. Where consensus was not achieved, decisions required a majority vote of five members. Where a decision required increased funding, the Government of Canada had to vote in favor of certain funding issues that could be referred to the Court. The National Administration Committee reviewed appeals of CEP reconsideration decisions. Crawford served as the point of contact for appeals to the National Administration Committee.

Hilsoft Notifications was hired through a court order and administered the implementation of the Notice Plans informing class members of their eligibility under the Settlement Agreement and of the CEP, the Independent Assessment Process and other measures provided to them. The Notice Plan outlined the dissemination efforts that would be undertaken to provide adequate notice to the IRS *Class Action Litigation*, including notification of the court hearings in nine jurisdictions (Phase I) and notification of the Opt-Out/Claims process (Phase II). Hilsoft was also engaged by the OIRSRC whenever a Notice Plan was required during the implementation of the Settlement Agreement, such as when new IRS were added through Article 12 (Additional Indian Residential Schools) or to remind class members of application deadlines for the CEP and the Independent Assessment Process.

Dona Cona was the successful bidder in response to a request for proposals procurement and was contracted by the OIRSRC to assist CEP claimants. The company provided a call centre facility with call centre agents to assist claimants by providing the information necessary to process their claims and also managed the Crisis Line on behalf of OIRSRC.

INAC Estates was involved since it was often required (by virtue of the *Indian Act*) to temporarily administer the estates of individuals who were ordinarily resident on-reserve and had died intestate or were considered ‘mentally incompetent’ as defined by the *Indian Act*. This included making applications on behalf of former students or their family members.

Provincial Public Guarantors and Trustees, similar to the INAC Estates and made applications as Personal Representatives of former students who were within INAC Estates jurisdiction.

Beneficiaries

Former IRS students were the direct beneficiaries of the CEP; families and the communities of former students would be considered indirect beneficiaries.

Stakeholders

Parties to the Settlement Agreement were the key stakeholders in the administration of the CEP, including the Assembly of First Nations and Inuit representatives.

⁷ Approval Order: The judgments or orders of the courts certifying the Class Actions and approving the Settlement Agreement as fair, reasonable and in the best interests of the Class Members and Cloud Class Members for the purposes of settlement of the Class Actions.

In addition, stakeholders included 140 national, regional and local Indigenous organizations funded through INAC's Advocacy and Public Information Program, a contribution funding program that supported the sharing of information and ensured that Indigenous communities, and in particularly former students and their families, were aware of all aspects of the Settlement Agreement.

CEP Logic Model and Program Activities

The CEP logic model (Appendix A) was a draft developed in consultation with CEP program officials. It presents the main activities, outputs, and expected immediate and long-term outcomes. Over the period covered by the study, the activities undertaken by the CEP were primarily focused on a key short-term outcome: payments to eligible former IRS residents.

Link to INAC's Program Activity Architecture and Strategic Outcomes

Currently, the program activity "Residential Schools Resolution" falls under the Strategic Outcome "The People," (Individual, family and community well-being for First Nations and Inuit) and is supported by several sub-activities, including the CEP.

CEP Objectives and Expected Outcomes

The objectives and expected outcomes related to the CEP are set out in the Settlement Agreement. The broad, overall objective of the Settlement Agreement is to bring a lasting resolution to the legacy of IRS. Collectively, the components of the Settlement Agreement were intended to recognize Canada's role in the administration of the IRS and to support ways that former students, their families and communities could heal from the legacy of these schools.

CEP Program Resources

The total departmental funding that was allocated to the CEP (expenditures for 2007-08 to 2012-13) was as follows:

Table 1

	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	Total
Full Time Employees (Headquarters)	3,428,075	3,519,459	1,925,130	2,069,601	1,614,463	1,366,631	13,923,359
Vote 1 (B-base) Operations & Maintenance	22,099,512	22,446,759	18,386,132	12,629,589	6,558,339	4,994,325	87,114,656
Total	25,527,587	25,966,218	20,311,262	14,699,190	8,172,802	6,360,956	101,038,015

Note: The total CEP expenditures represent CEP actuals in addition to the National Research and Analysis Directorate expenditures related to CEP⁸.

As of September 30, 2014, over \$1.6 billion has been distributed to more than 79,200 former students from the Designated Amount Fund.

⁸ Note that the numbers do not include direct payments to former students, which were distributed from the Designated Amount Fund, the trust fund established for payment of the CEP.

2. Lessons Learned Framework

This section provides an overview of the issues considered for the Study.

2.1 Lessons Learned Issues and Questions

A key component of a successful program evaluation is the program lessons learned framework. As per the 2009 Treasury Board *Policy on Evaluation*, an evaluation is expected to explore five core issues related to relevance (i.e. continuing need for the program, alignment with government priorities, consistency with federal roles and responsibilities) and performance (i.e. achievement of expected outcomes and demonstration of efficiency and economy).

However, this is a special study in that it focuses only on lessons learned and best practices in order to inform any possible future initiatives. Hence, the primary review issues that were considered within the framework were: design and delivery; efficiency (use of resources); lessons learned; and best practices.

Design and Delivery - a good program design guides the implementation process, facilitates monitoring of implementation and provides a solid base for performance evaluation. Issues of program design are mainly assessed by using the program logic model. For example, looking at how the CEP design clearly established linkages among the initiative's components.

Program Efficiency - Efficiency focuses on the conversion of resources (inputs) into outputs that, in turn, support the achievement of expected outcomes. For example, looking at the outputs produced in the realization of expected results and in relation to the quantity, quality, timeliness and appropriateness of the outputs produced. Also, looking to understand the rationale used by management in their selection of the design and delivery approaches in light of CEP's context, risks and assumptions and analyzing the processes used in creating the outputs. As such, this dimension of program efficiency is closely linked to, and can be supported by, the clear delineation of the program logic and the program theory.

Lessons Learned - This was expected to highlight strengths or weaknesses in preparation, design, and implementation, which often affects performance, outcome and impact.

Best Practices - a proven method, technique, or process for achieving a specific outcome under a specific circumstance and in an effective way (Implementation of the Settlement Agreement contributed to the strategic outcome).

3. Lessons Learned Methodology

This section provides details of the methodology employed for the study.

3.1 Objective

The main objective of this Study was to determine lessons learned and best practices based on the Office of Indian Residential Schools Resolution Canada's (OIRSRC) role in the implementation (design and delivery and efficiency) of the CEP.

3.2 Scope

The study covered the period from fiscal year 2007-08 to 2012-13. The scope included the OIRSRC's activities pertaining to the CEP, excluding those undertaken by other departments or agencies who were partners or stakeholders. However, the study recognized the horizontal, multi-department/agency nature of the CEP, as set out in the Settlement Agreement.

The issues were addressed through a series of specific evaluation questions answered in Section 4.0.

3.3 Methodologies

An initial Terms of Reference developed in consultation with the Resolution and Individual Affairs Sector formed the basis for the methodology of the study. The key findings and recommendations presented in this report were drawn from multiple lines of evidence collected and analyzed using the following three methods:

1. **Document, file, and data review:** documents, files and data provided by CEP officials were reviewed. These included: CEP-related Memorandum of Understanding, Departmental Performance Report, Reports on Plans and Priorities, Speeches from the Throne, quarterly and annual reports. These helped address questions relating to processing times and administrative costs. Data of interest included the number of applications received, processed or rejected; the time it took to verify eligibility, the level of compensation and length of time it took to obtain approvals.
2. **Key Informant interviews:** telephone and in-person interviews with internal stakeholders and external stakeholders. Nine interviews were conducted with representatives of INAC and Service Canada. While this is a relatively small sample, given the focus on lessons learned and best practices, it is sufficient to draw together ideas and perspectives in relation to informing future initiatives.

- 3. Literature review and international comparative analysis:** a review was undertaken of literature on both national and international practices relating to redress and Settlement Agreements with a focus on such areas as initiating, planning, executing, monitoring and control, and closing. The review examined the strengths and weaknesses of each of these phases. The six comparative analyses undertaken were:
- Jericho Individual Compensation Program, (British Columbia)
 - Shelburne Youth Training Centre Compensation Program, (Nova Scotia)
 - Grandview Training School for Girls Compensation, (Ontario)
 - Kingsclear Training School Compensation, (New Brunswick)
 - Sir James Whitney School for the Deaf Compensation, (Ontario)
 - Tasmania’s Stolen Generations Fund, (Australia)

3.4 Challenges/Limitations and Mitigation Strategies

The study was specifically designed not to elicit experiences of populations like former IRS students. As with any study that relies on the use of methodologies, the expected limitations included:

- Complexity and nature of the CEP and the requirement not to interview CEP applicants for reasons explained earlier (e.g. sensitivity of the subject matter). Moreover, in general, the results of interviews had limitations, for instance, information was based on interviewees’ perceptions. The evaluation team also encountered issues regarding the availability and the desire of key informant interviewees to participate in the study.
- Complex and multi-faceted “horizontal” nature of CEP. The CEP was horizontal in that it represented a complex national initiative with significant variability across provinces and involved a wide range of key actors and stakeholder groups. Hence, excluding these and focusing solely on the OIRSRC role was a challenge.
- Inability of the study to verify whether complaints lodged against the CEP call centres were specifically directed at the OIRSRC, Service Canada or CEP lines operated by any other governmental or non-governmental organization.
- Difficulty in isolating the OIRSRC role, given the complexity of implementation and involvement of various partners.

Mitigation

The methodological limitations resulted mainly from the CEP’s unique nature and were acknowledged at the beginning of the Study. Thus, the Study was designed to mitigate these limitations to the fullest extent possible. For example, multiple lines of evidence were used to draw conclusions about the CEP process thereby strengthening the reliability and validity of the Study’s results. Moreover, the Study was free to grow and tailor questions to the type of interviewees expected to participate. In addition, the Study looked at how the CEP grew and integrated services with Service Canada and the National Administration Committee. Finally, standardized data collection instruments were used and in this sense, the methodology met the requirements of the 2009 Treasury Board *Policy on Evaluation* and associated standards.

Literature Review (Comparative Studies)

At the outset, a literature review was undertaken to gain conceptual and empirical background information for the Study. In looking at other compensation initiatives, the Study considered the extent to which comparisons could be made, given the differences in scope and magnitude. In Canada, the CEP was one of the largest compensation initiatives undertaken by the Government. The Study carefully assessed, to the extent possible, the relevance of the information and data yielded by the literature.

In determining “relevance,” the Study looked at the extent to which the secondary data addressed the problem and how compatible the data were with respect to study requirements. For instance, secondary data available at the provincial level were not helpful for this type of study, one which required comparable national level data. Also, the scales of measurement were not compatible: while the Study needed data on about ninety thousand recipients, secondary data based on hundreds of recipients did not suffice. Finally, time greatly affects relevance and as evidenced in the cases examined, secondary data went as far back as 1995 whereas the CEP Study would have preferred data collected between one and three years before publication. For these reasons, finding a direct comparison group against which to assess the CEP was difficult. The Study then looked at these other initiatives as a means of highlighting the uniqueness of the CEP effort.

The literature review provided insight into the design and delivery of the CEP process. The review showed, for example, that no comparable initiatives could be identified at the time of the Study that the CEP could be assessed against. The CEP varied widely in its geographic scope, target (recipient) populations, and available resources. Further, the cases that were reviewed varied in their service delivery requirements and complexity. The following paragraphs summarize the literature review.

Comparable studies

The literature review looked at six non-CEP compensation initiatives across Canada and internationally⁹:

- *Jericho Hill School* (a school for the deaf, with a compensation program in 1995 designed for those who were institutionally abused there).
- *Shelburne Youth Training Centre* compensated former students who were victims of physical and sexual abuse.
- The *Ontario Grandview Training School for Girls* (addressed students who were wards of the state; the pursuit of an out of court strategy started in 1992 and lasted until September 1998).
- The *New Brunswick Kingsclear Compensation for Victims of Institutional Sexual Abuse Program* 1995-1996 and re-opened in 1999; it was home to both juvenile delinquents and orphans).
- *Sir James Whitney* (the first provincial school for the deaf, in Belleville, Ontario, with residential and day programs serving elementary and secondary students; its Alternative Dispute Resolution Project was mandated to operate from May 1998 to March 2000, and the deadline for application to the Alternative Dispute Resolution was December 1999).

⁹ Jericho Individual Compensation Program, (British Columbia); Shelburne Youth Training Centre Compensation Program, (Nova Scotia); Grandview Training School for Girls Compensation, (Ontario); Kingsclear Training School Compensation, (New Brunswick); Sir James Whitney School for the Deaf Compensation, (Ontario); Tasmania’s Stolen Generations Fund, (Australia)

- *Tasmania's Stolen Generations Fund* (concerned the policies and practices of past Tasmanian governments toward Tasmanian aborigines; applications were opened for six months starting from January 15, 2007).

The review identified the Jericho Individual Compensation Program in British Columbia, the Shelburne Youth Training Centre Compensation Program in Nova Scotia and Grandview Training School for Girls Compensation in Ontario as the most comparable to the CEP in some aspects (for example, the design, delivery and control and monitoring). However, it should be mentioned that the budgets set aside for the recipients in these cases were significantly smaller in scope and the type of recipients differ from those of the CEP, again reinforcing the CEP's uniqueness.

Similarities

In terms of the design and planning of compensation programs, the consultations undertaken with the communities affected were considered strengths. In these situations, the CEP's approach was very similar to that used by the three programs identified. The review also showed that, for example, in the case of "Outreach", using local community members to recruit or assist applicants was widely seen as beneficial. In the CEP process, the Indigenous communities were involved very early in the implementation and local community members helped to recruit and assist applicants. On the other hand, the literature review demonstrated a strong need for contingency planning; the cases reviewed showed that the programs did not have contingency plans in place and underestimated the number of applicants and this, therefore, had a negative effect on interoperability, service delivery, and cost.

With respect to the execution of the awareness initiative, the literature reviewed showed that using in-person resources was considered very beneficial to the process; applicants valued in-person service options. Further, the use of decision panels rather than individuals to manage the process was also seen as beneficial for reasons related to legitimacy, a strengthened decision-making approach and consistency. The literature showed that transparency and keeping applicants informed of application status was highly valued. In the case of the CEP, the OIRSRC working with Service Canada, the role of the National Administration Committee and the role of other parties created a sense of transparency and legitimacy.

In terms of control and monitoring throughout the process, the literature showed that collaboration (interdepartmental or between government and community organizations) was seen as beneficial for planning, delivery and oversight and also beneficial for the delivery of extra benefits in compensation programs. In the case of the CEP, the Memorandum of Understanding with Service Canada ensured that appropriate control and monitoring mechanisms were in place.

Differences

The *Jericho Individual Compensation Program* compensated people who were badly affected by their time at the Jericho Hill School in British Columbia. Pecuniary compensation was made available for pain and suffering caused by sexual abuse only, including peer abuse, whereas the CEP extended beyond individual abuses. Overall, 377 applications were made for compensation and as of September 20, 1999, the compensation panel had made decisions in 233 of those claims totaling \$8.138 million in compensation, with an average award of \$35,610. Of the decided claims, 38 percent were below \$25,000, 44 percent were between \$25,000 and \$59,900 and 18 percent were at the level of \$60,000.

The *Shelburne Youth Training Centre Compensation Program* compensated former students who were victims of physical and sexual abuse. The difference between this program and the CEP is also very clear. The program received a total of 1,260 claims and after a year of negotiation with approximately twenty lawyers representing the victims, the Government of Nova Scotia agreed to a Settlement Agreement in May of 1996, establishing a \$33 million compensation fund. Compensation paid varied from \$5,000 for minor physical or sexual abuse to \$120,000 for more serious cases.

The *Grandview Training School for Girls Compensation Program* compensated former students who were victims of abuse during their time at the training school. The Government of Ontario was responsible for 100 percent of the financial award and the average financial award provided was \$37,000. The total government expenditures on awards and benefits from 1992 to 1998 were \$16.4 million with a total of 134 women benefitting from the program.

Given the volume of applications and complexity, it has also taken longer to fully implement the CEP than these other initiatives discussed above.

The table below shows the differences between the three settlements outlined above and the CEP process.

Table 2: Comparison between four initiatives

	Type Recipient	Budget	Number of claims	Average per recipients	Duration
Common Experience Payment	Former students	\$1,900,000,000	105,542	\$19,412	2007 - 2015
Jericho Individual Compensation Program	Former students	\$8,138,000	377	\$35,610	1998 - 2000
Shelburne Youth Training Centre Compensation program	Former students	\$33,000,000	1181	\$30,902	1996 - 1997
Grandview Training School for Girls Compensation	Former students	\$37,000,000	134	\$37,000	1992 - 1998

4. Lessons Learned Findings: Key Observations

This section provides key observations made by the Study. These observations highlight the uniqueness of the challenges faced by the OIRSRC. The Agreement was the result of a class action Settlement Agreement, which bound all parties as approved by the Court. The Court had the authority to make the Government of Canada accountable for breaches of its responsibilities within the Settlement Agreement. In June 2008, the OIRSRC was the lead federal department responsible for overseeing the implementation of the Settlement Agreement.

The Court(s)

An Agreement-in-Principle, legally binding on all parties, was approved by the Court in November 2005. The Court continued to supervise the Settlement Agreement. This is important since the approach to delivering the CEP, the result of consultations between the OIRSRC and stakeholders, was subject to court approval before implementation.

The administrative concerns raised by the Court were addressed through the appointment of an *amicus curiae*, or ‘friend of the Court’. This person, funded by the Government, had authority to monitor Canada’s compliance with the Settlement Agreement. As such, the *amicus* had full access to all aspects of the Settlement Agreement, including the administration of the CEP and the Independent Assessment Process, for the sole purpose of reporting to the Court. Thus, the Court, upon receipt of advice and information from the *amicus*, could require parties to the Settlement Agreement to comply with the terms of the Settlement Agreement if it appeared there was non-compliance.

On the other hand, the Government of Canada managed the funding and implementation of the Settlement Agreement, providing corporate support for all Settlement Agreement obligations, including the Independent Assessment Process, implementation of the Truth and Reconciliation Commission, requests to add new institutions as Indian Residential Schools through Article 12, funding to the Aboriginal Healing Foundation, implementing mental health supports, establishing a Commemoration funding, and the CEP (the OIRSRC and Service Canada being jointly responsible for the administration of the CEP). This meant that where the Government of Canada did not meet the prescribed service requirements and timetables, and/or failed to provide the requisite resources, the Court could take action. The Court therefore possessed a broad range of compliance orders that it could use, from issuing court orders aimed at correcting a specific deficiency to exercising its powers to remove Canada as the Administrator where it was dissatisfied with the provision of corporate services, although such a move was considered unlikely. Moreover, the court was able to issue additional orders if it deemed it necessary to ensure a full and timely implementation of the Settlement Agreement. Thus, though the lead department, the OIRSRC did not have total control over its response to the Settlement Agreement.

Human Resource Management Challenges

The Human Resources or personnel function is key to an organization because it is the people in an organization that carry out most work activities. The various managers of the organization, including its Human Resources professionals, have the key responsibility for recruiting, retaining and organizing people so that they can effectively perform these activities. This requires not only recruiting, hiring, and managing employees, but, among other things, coordinating employee benefits and suggesting employee training and development strategies.

Internally, the OIRSRC faced Human Resources challenges in the wake of the court's approval of the Settlement Agreement. This meant that the OIRSRC encountered continuous change and challenges in its immediate future as it tried to implement the Settlement Agreement. For example, the OIRSRC did not have the organizational capacity (Human Resources and establishment) to respond to the high number of applications. With the approval of the Settlement Agreement, the OIRSRC workload increased from only two work streams, both of which related to resolving claims of IRS abuse (the Alternative Dispute Resolution process and Litigation), to the five components of the Settlement Agreement and which included the CEP. Both work streams continued for some time after the Settlement Agreement was implemented and, as a consequence, the OIRSRC could not start the design and implementation of the CEP from a blank slate but instead had to add the CEP on to the existing claims resolution infrastructure and business culture.

Among the business and operational environment issues in 2006 that impacted employees and staffing priorities were evolving federal priorities such as the Government's "Restoring Fiscal Balance in Canada" designed to address fiscal imbalance with the provinces and the potential reallocation of resources to address such priorities. These whole-of-government priorities also stretched the limits of the OIRSRC human resource capacity as Human Resources were also required to respond to this new demand while preparing for the Settlement Agreement, the impact of which remained unclear at the time to all parties involved.

Another example of an issue that required, government-wide, federal departments' attention was the Government of Canada's planned modernization of the classification system in a bid to strengthen and modernize the public service with the goal of making it one of the top ten employers in Canada. The federal government's Economics and Social Science Services Conversion process meant federal employees in certain categories faced the prospects of having their positions reclassified into other occupational groups. Issues arising out of this change included the need for employees to know its impact on classifications and jobs. The OIRSRC had to respond to volumes of questions relating to the conversion process and its impact. Documents reviewed show that while this was not unique to the OIRSRC, as a whole, the Department experienced significant challenges which needed to be addressed strategically.

For example, a critical challenge was the processing of the CEP and what was evident from documents examined was that the OIRSRC's obligations concerning CEP payments required a workforce that was not only skilled but also very highly motivated. Challenges then included hiring new research staff and/or consultants/contractors to deal with the expected or forecasted significant volume of applications within a short period of time, from September to mid-October 2007. These applications had to be processed individually, efficiently and also accurately in order to ensure due diligence in compensation of beneficiaries.

Related to this situation was the need to create an independent structure for the implementation of the Independent Assessment Process as well as establishing a Dispute Resolution Operations Branch to ensure that the OIRSRC was well positioned to meet the prevailing dispute resolution obligations and prepare for those at the Independent Assessment Process. Thus this, in itself, required not only rethinking but also retooling and reinvestment of the Department's human assets.

A further issue that surfaced during the Study, and which was linked to Human Resources, was the need to provide sensitivity training to those CEP staff on the frontlines (call centres, etc).

Aside from the Human Resources and staffing challenges, the OIRSRC faced a procurement challenge, relying on nearly 300 research consultants nationally to support the CEP. In mid-2007, the OIRSRC had inherited responsibilities for implementing its own research services' Standing Offer from Public Works and Government Services Canada. It then had to put out a Request for Proposals just as CEP applications started arriving. While contractors are technically not treated like staff, the OIRSRC still had to supervise, train, monitor quality control and deal with the numerous companies that represented the consultants.

The OIRSRC invested in people, later providing hands-on coaching of middle management, training on operational tools and techniques, ensuring challenges of a high stress environment and continuous change were managed. With the high turnover facing departments, there was a need for the OIRSRC to ensure succession planning and successful knowledge exchange for ongoing or improved performance.

Term positions and casual employment were some of the staffing options used to mitigate the impact of the vacant positions on the CEP design and delivery and yet this was, as the Lessons Learned Study found, not enough. The high priority nature of the court decision and the fact that one-third of the OIRSRC's employees were spread over the National Capital Region, Vancouver and Regina¹⁰ required more human resources. In addition, employees, for example, those in the National Capital Region, were scattered over several buildings within their geographical locations.

Change Management Challenges

The Merger of the Office of Indian Residential Schools Resolution Canada with INAC

Undergoing a machinery of government change can be challenging. For example, the particular federal departments and agencies involved are required to consider a large number of issues that deal with wide-ranging matters, some of which can be very complex and time consuming. That was the situation with the OIRSRC where affected staff needed to be kept informed of what was happening. Legislative and government policy requirements had to be complied with and in order for the process to work as smoothly as possible, action always had to be undertaken with a cooperative 'whole-of-government' spirit in mind.

¹⁰ The Regina office is responsible for the Independent Assessment Process. It had no direct link with the CEP, but the OIRSRC Corporate Services and Human Resources supported it.

The merger of the OIRSRC and INAC in 2008 was considered negative by staff as it meant “the loss of closeness that can be ascribed to working in a small department.” A key informant interviewee noted that the OIRSRC employees as a whole felt they were “swallowed up”, whereas the perception at the senior management level was different. Senior managers were constantly trying to answer CEP needs and therefore, saw the merger as positive since the OIRSRC was now going to have the resources and expertise of a much bigger and more established department that was similar to Employment and Social Development Canada. Since the merger was the result of a machinery of government process, it was beyond the control of both the OIRSRC and INAC. However, the concern was that by 2008 the OIRSRC had developed and instituted its own corporate service environment, including internal policies and procedures, which had to be realigned to match INAC’s approaches. At times, the realignment requirement served as a distraction from being able to efficiently proceed with Human Resources and procurement needs.

Need for Continuity in leadership.

During this period, there were also some issues with continuity in leadership. For example, the OIRSRC documents examined show that the Department experienced significant changes in a year (2006-2007) where there were three different deputy heads. To compound this issue, there were also changes in lower level management (Director General and Director). These changes were significant because of the essential need for training at the management level, coupled with the prevailing demand to regularize acting positions or situations. Further, and during that same period, the Public Service Modernization scorecard from the Public Service Commission identified the need for the OIRSRC to make Human Resources management a departmental priority.

Communications Management Challenges

As a result of the spread of employees over several geographical locations and also the distribution within the National Capital Region, it was imperative that strong, regular and consistent lines of communications were put in place and maintained, not only with CEP administrators but also between the CEP and all departmental staff. Communication was needed in three key areas: (1) Directorate level – within the National Research and Analysis Unit (between the National Research Analysis Unit, Vancouver and the National Research and Analysis Unit, Ottawa); (2) Sector level – between the National Research Analysis Unit and the CEP Coordination Unit, and with the rest of the OIRSRC or Resolution and Individual Affairs Sector; and (3) External: between the OIRSRC/INAC and other federal departments and stakeholders.

1. Internal Communications:

Between the two National Research Analysis Units communication was sometimes a challenge. For example, there were gaps in interpretation of new instructions or procedures and according to some interviewees there was a clear distinction between the two groups. An interviewee offered that though the staff was very committed, a lesson learned was that it was “best to put everybody in one shop and in one location, or have staff rotate between positions as it takes some will and capacity to be fully comfortable with the CEP files”, (see “Findings 2” below).

Another development that seemed to have affected communication was the transition from a small independent organization, i.e., the OIRSRC, to the much bigger INAC, which besides issues related to organizational changes, also created more communication problems. At some point in time, the National Research Analysis Unit was reporting to one director general while the CEP Coordination

Unit reported to another, indicating that there was a communication issue between the two units. There was also the issue of offices located in different places in the National Capital Region and Vancouver, which in itself added to the communications problems. An interviewee commented that, “A lesson learned is to have a central system, one reporting system throughout the process for everyone to report to instead of having different groups competing with each other.”

With respect to communications between the CEP and the rest of the OIRSRC, the CEP website was updated weekly and regular daily briefings were held with the Minister’s office. “I have to tell you that communication was huge for us. Once we started getting into the application process, it was very frequent,” said a key informant.

2. External Communications:

Interviewees noted that communication with external interests was mixed, particularly with Service Canada and with former students. In the case of the latter, staff provided assistance in the form of guidance on the CEP and its related issues. An interviewee described how, in the initial stages, assistance provided to former students included ensuring they were aware of interpreter services, how best to cope with the funds received from the payment, financial planning, and helping with information on matters relating to bequests provided by INAC Estates. Further, the lack of properly trained staff did present some problems as documents showed that some former students needed counseling, which was not forthcoming from staff in the community. It was also noted that the employees working in the call centre managed by Service Canada did not fully understand the situation and the sensitive nature of working in this context. This created some tension between employees and former students.

Interviewees also noted that as a result, there was much pressure coming from the media, former students and Indigenous organizations to “do this and do it right.” Former students had been frustrated with the process, particularly during the launching stages. The media regularly emphasized that former students were an aging population and that some were passing away so the Department had better get it right. As one interviewee put it, “Survivors understanding the application process was in itself a communications task.”

Workforce Situation

The significant OIRSRC departmental changes and high staff turnover during the 2006-07 fiscal year also underlined the need to address workforce destabilization in order to ensure that the CEP was designed and delivered efficiently and economically. In this sense, the National Research Analysis Unit research and the CEP Coordination Unit managers had to engage in and undertake constant and ongoing staffing actions instead of devoting a full time focus on CEP needs. The CEP itself was a large staffing initiative and it required immediate attention. Moreover, the OIRSRC clearly faced significant hiring needs in order to meet its obligations under the Settlement Agreement. And, in addition to staffing, the National Research Analysis Unit had to also constantly juggle responsibilities linked to a sizable contract workforce of research consultants.

In the above context, the Study found that addressing the urgent and pressing requirements of the Settlement Agreement was still going on in addition to the OIRSRC’s other normal, day-to-day activities of a full-fledged department such as: ensuring workplace well-being (e.g., supporting flexible work arrangements), learning and career development, providing orientation to new staff or providing competency profiles and learning opportunities, as well as training research consultants.

These were all needed to produce employees who would enable a spirit of healing and reconciliation as it pertained to the Settlement Agreement.

However, in comparison with other departments that faced similar pressures, what made the CEP and the OIRSRC situation unique was the nature of the CEP process and the work attached to it. Most importantly, staffs were dealing with a situation where they faced a significant lack of trust, which was also a commonly identified barrier to communication between the CEP and external stakeholders, former students included. Moreover, these were former students of institutional abuse suffered at the hands of a different but dominant culture seen as a colonizing power. A great deal of sensitivity was needed and this added to the stress on the OIRSRC staff and the recognition of the urgent need to staff up and implement the Settlement Agreement.

Workforce Analysis

A workforce analysis of the OIRSRC, the federal department leading the response to the Settlement Agreement, showed that on March 31, 2007, the OIRSRC as a department had 319 employees and a number of contractors who were undertaking research. A breakdown of the employee structure identified 251 as indeterminate, 17 term, 45 casual and six part time. Moreover, geographically, about 40 percent of the employees were spread over the regional offices in Regina and Vancouver (see **Table 3** below): The figures for those working on the CEP were not available.

Table 3: Office of Indian Residential Schools Resolution Canada Employees

Employment Characteristics		
Employment Type	%	#
Indeterminate	79%	251
Term	5%	17
Casual	14%	45
Part-time	2%	6
Total	100%	319

It is to be noted that 22 (seven percent) of OIRSRC employees were eligible for retirement within the next five years compared to 33 percent in the overall public service.

5. Lessons Learned Study Findings: Design

Finding 1: *The policies and procedures for CEP implementation were well defined in documents such as the CEP Process and Validation and the Memorandum of Understanding between the Office of Indian Residential Schools Resolution Canada and Services Canada.*

Indian Residential Schools Settlement Agreement

On November 20, 2005, the Agreement-in-Principle was reached. It represented the consensus reached between legal counsel for former students, legal counsel for the Churches, the Assembly of First Nations, other Indigenous organizations and the Government of Canada. On May 8, 2006, the Settlement Agreement was approved by all parties and then considered by courts in nine jurisdictions across Canada, with the last court giving its approval on March 20, 2007. Implementation of the Settlement Agreement began on September 19, 2007, following a five month opt-out period. Article 5 (Common Experience Payment) of the Settlement Agreement sets out the legal obligations of the Government of Canada in the administration of the CEP.

CEP Policies and Procedures documents

In terms of the CEP Process and Validation Protocol, which was approved by the parties in late August 2007 and received formal court approval in February 2008, the CEP process began with the collection of applicant information, confirming its completeness and performing a preliminary assessment by verifying the applicant's identity against the required identity documents. The validation process itself was guided by eight validation principles, most noteworthy of which being the principle of erring on the side of caution in favour of the applicant. At the heart of the CEP was the validation process, whereby residency at an eligible IRS was confirmed. Created just prior to the launch of the CEP, the validation document was aligned with the guiding principles of the Settlement Agreement and provided a detailed step by step procedure to CEP delivery requirements as defined in the Settlement Agreement. It guided both departments (Service Canada and the OIRSRC) on how to manage claims from former students. Recognizing, however, that the validation of CEP applications posed many complex challenges (namely, the sheer volume of applications and the meeting of service standard requirements) for the Trustee of the CEP funds, which was the Government of Canada, the OIRSRC was meticulous in assembling this document so that it adhered to the Settlement Agreement.

The CEP Process Assessment Protocol dated September 6, 2007, had a significant influence on the final design of internal procedures, on training materials, on conducting the training, on finalizing system workflows, etc. CEP applications went live only 13 days later, on implementation day, September 19, 2007. This date was endorsed by the OIRSRC and the Department of Justice in August 2007 and then subsequently approved by the all-party National Certification Committee, which was the predecessor to the National Administration Committee.

All CEP applications were first automatically assessed by the Computer Assisted Research System¹¹ (CARS). CARS was an algorithm that searched over one million coded student records stored in the National Research Analysis Unit's CT Summation research document management database¹². It processed over 600 calculations when completing each applicant search, including, for example, noting common phonetic spellings and typical manual typewriter mistypes. It also searched records 10 years on either side of the applicant's stated date range of attendance. CARS made automatic eligibility decisions in about 44 percent of the over 110,000 CEP applications received (the original CARS prototype projected a much higher validation rate).

Where CARS could not make a determination, the CEP application was manually reviewed by the National Research Analysis Unit research staff or a consultant. The basis of the conclusive result of the review was recorded in the Single Access Dispute Resolution Enterprise¹³ (SADRE) system, including citation of all summation research, if applicable. As set out in the Validation Protocol, an inference and interpolation policy had been adopted to allow confirmation of duration where there were gaps in the IRS records held by the OIRSRC. As well, the Protocol allowed the OIRSRC to make a preliminary assessment by verifying the applicant's identity against the required identity documents.

For many of the former students, the CEP was their entry point into the services provided by the broader Settlement Agreement. To ensure that the spirit of reconciliation and healing, which was the ultimate aim of the Settlement Agreement, was reflected in the delivery of the CEP, the Court approved assessment principles to ensure that every eligible applicant received the correct amount of compensation and that this compensation reached the intended recipients. The assessment was to be fair, objective, timely and practical and, while minimizing the onus placed on applicants, it was to be efficient and executed with a minimum of errors.

When designing the implementation of the Settlement Agreement, the challenge was to ensure a fair and transparent process with solutions for every stakeholder, especially in the light of "missing records" and the extensive CEP-related media coverage. This created a variety of competing requirements and the need to balance these. Moreover, central agencies were also interested in the CEP process and the ultimate outcome of the implementation of the Settlement Agreement. Based on interviews and documents reviewed, CEP officials did their due diligence in order to satisfy the legal requirements to uphold Section 34 accountabilities while balancing the expectations flowing from the CEP assessment principles.

¹¹ Computer-Assisted Research System - CARS

¹² CT Summation was the document management software used by the National Research and Analysis Directorate to store images and data associated with all IRS records collected since 1996. In September 2007, it contained over 1 million scanned and coded historical records that were automatically searched by CARS each time a CEP application was received into SADRE from Service Canada.

¹³ Single Access Dispute Resolution Enterprise - SADRE

To address the “missing records” question, the OIRSRC hired PricewaterhouseCoopers to conduct an audit of records readiness in spring 2007 and which showed that gaps existed in the National Research Analysis Unit’s historic record collection. A work plan to locate IRS student records had been implemented throughout late 2006 and much of 2007. This undertaking was concurrent with the CEP design and the work involved churches, provincial and territorial archives, various Indigenous organizations and former students. The audit also prompted the Department to implement inference and interpolation policies that would allow CEP eligibility decisions to be made when there were gaps in records.

The documents reviewed for the Study also clearly showed that the policies and procedures created were aligned with the Settlement Agreement’s principles. For example, the Memorandum of Understanding between the OIRSRC and Service Canada conformed to the Settlement Agreement and defined the roles and responsibilities of the two organizations. Two levels of appeals were implemented, the first being Reconsideration, which dealt with applicants who were not satisfied with their claim decision. Where they were dissatisfied with the Reconsideration decision, applicants could appeal to the National Administration Committee. Importantly, the National Administration Committee was composed of members representing the parties identified in the Settlement Agreement and, therefore, acted as a check on the work being undertaken by the OIRSRC. Moreover, the Settlement Agreement clearly defined the guidelines for the CEP’s implementation. The content of files and documents reviewed by the Study adhered to the principles. Finally, the Settlement Agreement required the National Administration Committee to produce and implement policy protocol and standard operating procedures documents with respect to the implementation of the Approval Orders.

Interviewees highlighted the enormous effort made by the OIRSRC to ensure that policies and procedures adhered to the principles set out in the Settlement Agreement. Every decision was made in consultation with departmental legal services and there was significant consultation with the National Certification Committee (pre-National Administration Committee), the parties and former students before the framework was finalized. The National Certification Committee, which was the transitional group, had a representative on the National Administration Committee and worked with other lawyers. Several meetings were held to ensure that every process or procedure conformed to the Settlement Agreement.

Finally, Terms and Conditions for Contributions for eligible Aboriginal Organizations for the purpose of providing advocacy and public education on a diverse range of issues related to the Settlement Agreement were also well aligned with the Settlement Agreement. The purpose of the Advocacy and Public Information Program was to inform the public and encourage the sharing of diverse viewpoints on a range of IRS Settlement Agreement issues, policies or programs and thereby allow the Government of Canada to respond to the widest range of information possible. This would improve the quality of departmental decisions, identify where changes might be needed to enhance service delivery, and, ultimately, ensure the Indigenous community was well informed of the benefits available through the IRS Settlement Agreement. It was, moreover, essential for all Canadians to understand the Settlement Agreement and the impact that the legacy of the IRS had had on Indigenous communities. The Terms and Conditions also identified all eligible recipients as those defined in the Settlement Agreement who could apply for the CEP.

Based on analyses of the documents and the interviews conducted, it was clear that the Memorandum of Understanding with Service Canada together with the CEP Process and Assessment Protocol and the Advocacy and Public Information Program Terms and Conditions, ensured that the policies and procedures were aligned and respected the key principles defined in the Settlement Agreement and answered the CEP requirements as also defined in the Settlement Agreement.

All key informants agreed that the CEP documents supporting the Settlement Agreement were clear and designed to satisfy the requirements of the Settlement Agreement. An audit of the CEP trust fund (Designated Amount Fund), completed by Employment and Social Development Canada and presented to the Court in March 2013, acknowledged the strength of the checks and balances validation process.

Finding 2: *Both within and between the Office of Indian Residential Schools Resolution Canada and Service Canada roles and responsibilities were well understood, including clearly defined relationships. However, challenges such as information not being communicated to others were encountered.*

According to interviewees, at the outset, roles and responsibilities were somewhat clear at the “ground level” within the Department, but as the process evolved and more components were added, defining roles and responsibilities became harder. Key informants mentioned that relationships and the nature of the processes became less clear and “it really took some time to adjust” in that the CEP implementation gradually differed from the original conception. Moreover, stakeholders had a different understanding and inquired, for example, “Who paid for this?” and “Who authorized it/this?”

Senior management and staff. First, senior management had to concentrate on staffing director general-level positions. Interview evidence indicates that the relationship between staff and senior management was good because it was a small department “with a good feel and the communication was good; the employees were very dedicated, went above and beyond and in the best way; and it was a positive culture.” There appeared to be a direct line to the Assistant Deputy Minister, again because it was a small group in a small department. Anecdotal evidence suggests that several employees were of the view that though this was a stressful period, they would recommend it as a place to work.

Geographical split. Due to the geographical division of the National Research Analysis Unit staff, it was difficult for some National Capital Region staff to report to a director who worked in the Vancouver National Research Analysis Unit office. Some individuals found it positive as they received a lot of direction directly “from my Director General and Assistant Deputy Minister.” However, this on occasion constituted a management challenge for the National Director as it could mean a communication breakdown (e.g. exclusion from critical information being passed on). Overall, however, interviewees saw the CEP as a very horizontal, collaborative initiative “where everyone did their best to keep everyone in the loop, and senior managers were very supportive when issues arose.”

At the CEP operational level, although efforts were made to be inclusive, the geographic distance, different time zones and competing mindsets (perspective and approach) were obstacles. For example, the Vancouver and National Capital Region staff did not always work the same way and further, the urgent nature of the CEP response was not dealt with in the same way so that internal procedures, discussed below, were challenges.

Another problem that came to light (due to the geographical separation) was one region's "more relaxed approach" to the CEP response "and so the urgency was not there." For example, the study learned that while senior management had informed the National Capital Region that they had room to "make mistakes, to err on the side of caution" due to the urgent nature of the CEP, this information, it appears, was not passed on to those in Vancouver. If there was far more comfort and confidence with the policies being developed in the National Capital Region than in Vancouver, then it is clear that there was a communication breakdown and this did disservice to the entire National Research Analysis Unit staff, whether they were based in the National Capital Region or in Vancouver.

In terms of the two National Research Analysis Units, prior to the arrival of a new director in February 2007, the research teams had been separate with minimal interaction and when the two were merged, there were differences in experiences and approaches. At different times, consultants were hired to address the National Research Analysis Unit's operational realities, including a change management consultant (early 2007), a focus on relationships (2008) and then an "operational sustainability assessment" undertaken in early 2009 led to a yearlong National Research Analysis Unit business transformation project.

Problems with the Information Technology (IT) system featured prominently here as well in terms of the relationship between the two National Research Analysis Unit regions. For example, while one region standardized its processes, the other did not and this, according to an interviewee, can be attributed to the fact that one office had very strong processes in place while the other did not necessarily have the same scope of standards. The centralizing of files was to make matters work better by making the work interchangeable. At the beginning, the National Capital Region was dealing with Saskatchewan, Manitoba, Ontario and the eastern provinces while British Columbia dealt with Alberta, the western provinces and the North. However, negotiations led to the National Capital Region covering Alberta. The resistance to standardization of the process could be attributed to a feeling of mistrust because one region considered the other was moving too quickly, even though both the National Capital Region and Vancouver had distinct roles and responsibilities.

For example, while interviewees agreed that there were significant attempts made to standardize research practices between the National Capital Region and Vancouver prior to implementation of the CEP, there continued to be challenges after the launch. One interviewee was of the view that one region's lack of confidence in the CARS translated into different outputs and productivity between the two offices, which compounded the situation because "one region started doing the other's files." This can largely be attributed to the geographical expanse between the two regions and where one location was able to keep its staff more informed so that there was a greater appreciation of the urgency involved. In addition, there was greater acceptance of senior management decisions and a willingness to trust the process and follow through.

There was also the transition from a small independent organization (OIRSRC) to the much larger INAC in June 2008, which led to issues related to organizational change. For instance, at the operational level, the OIRSRC's Research Unit (National Research Analysis Unit) responsible for validating CEP applications was reporting to one director general while the CEP Coordination Unit reported to another. As a result, there was a communication issue between the two CEP units. An interviewee noted that, "You could tell there was a clear distinction between the two groups. There were guidelines to be followed so the researchers followed them to a tee, whereas the workers on the frontlines may have a story that made sense but which may not fall within the guidelines. In this sense, there was less flexibility and there were differences of opinion, which posed challenges" (See "Change Management Challenges" Section 4 - Lessons Learned Findings: Key Observations).

The Office of Indian Residential Schools Resolution Canada Department and Service Canada. As stated above, the Memorandum of Understanding defined the roles and responsibilities between the OIRSRC and Service Canada for the design and delivery of the CEP. The Memorandum of Understanding put in place was well defined and it was noted that the relationship was very good between the OIRSRC and Service Canada, especially at the senior management level where they conferred weekly.

An issue identified during the interviews was the IT connectivity problem at the functioning, operational level between the two departments. Service Canada received all CEP applications, entered the data into its data system, which then connected with the OIRSRC's claim database, the Single Access Dispute Resolution Enterprise (SADRE). Then, once an eligibility decision was made by the National Research Analysis Unit, the SADRE would be updated and data transmitted back to Service Canada. The IT systems were synchronized every 24 hours (e.g. fields had to properly align, etc.). But, as the study discovered, there was no time to test process workflow assumptions until CEP applications surged into Service Canada in September 2007. Consequently, several system issues had to be addressed within and between the two departments in real time. However, as the Study found, it seemed that by the time the issue got to senior management level, everything had been addressed because at that level, senior management received the information it needed. According to the key informant interviews, the OIRSRC Department commended Service Canada for its outreach and application intake role because when applications started arriving Service Canada was very supportive of CEP applicants. For example, some Service Canada call centres "set up chairs for the elderly and provided food (tea, etc.) for former students who came to these centres". The major IT problem was due to the lack of time to implement the process and do some testing of the system within each department and between the two departments. Overall, most of the interviewees agreed that roles and responsibilities were well understood between the OIRSRC and Service Canada.

The Office of Indian Residential Schools Resolution Canada Department and the Department of Justice. The Department of Justice was involved in many aspects of the CEP since the Settlement Agreement was an obligation in an out-of-court Settlement Agreement. This meant that senior Department of Justice litigators played a key role in providing advice, interpretation and guidance in determining how the CEP should be processed, the scope of CEP eligibility and the management of all aspects of CEP appeals (and court appeals). As CEP processing began, the Department of Justice provided ongoing legal advice on a case-by-case basis. An interviewee noted that at the senior management level, relationships were strong and well understood, though at certain times there were differences, which led to additional challenges for the OIRSRC.

Overall, it must be reiterated that there were multiple players involved in the design and delivery of the CEP. As mentioned earlier, while the Government of Canada under the Settlement Agreement was responsible for the implementation of CEP, it was, on the other hand, one of many different parties signatories to the Settlement Agreement, which included representatives of IRS former students, churches, the Assembly of First Nations and Inuit organizations. Complicating the roles and responsibilities was the fact that the Settlement Agreement was also overseen by the court via the court-appointed monitor who ensured that the Government of Canada respected its legal obligations. As a result, the CEP was never fully under the OIRSRC's (the federal government) control and the federal level could not dictate how the CEP should be delivered with each service delivery process and protocol having to be vetted and approved prior to implementation. For example, the CEP Validation Protocol was the policy and procedural basis for how Canada was to assess CEP eligibility. Though this protocol was written by the Government of Canada it was subject to input, comments and edits from all parties before it was finally endorsed in August 2007, just one month prior to implementation.

6. Lessons Learned Findings: Delivery

This section focuses on the CEP implementation and the following paragraph, which itself represents findings, serves as an introduction and a context.

The Study found that a single assistant deputy minister position was created in 2006 at the OIRSRC to support all of Canada's obligations under the Settlement Agreement as well as oversee continuing Alternative Dispute Resolution and Litigation claim resolution. The Assistant Deputy Minister's responsibilities went beyond the CEP component of the entire Government of Canada response to the Settlement Agreement. For example, though the position of assistant deputy minister was staffed to oversee implementation of the CEP, the responsibilities included ensuring adequate levels of staffing throughout the OIRSRC, conducting staff meetings with officials, leading conference calls with the two offices and other stakeholders, ensuring that adequate reports were compiled for coordination with Service Canada and the Treasury Board as required, and assuring the sufficient direction of assets, both human and material, in preparation for the CEP delivery.

Finding 3: *The CEP was implemented as expected to meet Settlement Agreement obligations. The process respected and engaged former students and also offered comprehensive information about the process itself. However, the process faced several unexpected and threatening challenges.*

The major elements in providing due diligence relating to the implementation, management and administration of an initiative or program such as the CEP is first having planned appropriately and put in place the proper systems, procedures, resources, and controls.

The CEP was implemented to address the requirements of the Settlement Agreement and the protocol endorsed by the Court became the authority. While the CEP was implemented as expected (in terms of meeting Settlement Agreement obligations), information from CEP documents coupled with interviews suggested that applicants were frustrated with processing delays, as the following paragraphs show.

At the time, even though the CARS was operational and a manual process was utilized, the system had limitations and the manual research process workload increased. Further, the Minister, in the month of November 2007, instructed OIRSRC officials to complete 53,000 files by December 22nd. This was during a time when, according to files reviewed, only about 15,000 applications had been processed. The Minister's instruction meant completing the balance of 38,000 in five weeks. In order to comply with this instruction, OIRSRC officials devised a strategy to process 1000 files per day. The Study found that this objective was achieved by the research team. However, this was a stressful period and staff had to work significant overtime to attain this goal.

While the CEP continued to evolve, there were other external situations that affected implementation and changed some aspects of the CEP. In late 2007, the Court ordered Canada to pay out the full amount of a CEP application if the person had previously been given an Advance Payment. The Advance Payment had a different eligibility threshold and no duration (an applicant received an Advance Payment if he or she were found to have resided for at least part of one year at an IRS). Also, since reconsideration requests were not part of the initial Settlement Agreement, the Court's direction led to a rapid increase in the volume of CEP work that had not been anticipated.

In addition, the increased level of appeals was not anticipated by the OIRSRC and, by 2008-09, CEP officials were dealing with a backlog of appeals. The National Administration Committee expanded the research report requirements and added an additional research process rather than an executive summary of the first two decisions (original and reconsideration) rendered exclusively to INAC. To increase activity, the Committee was hearing the appeals and this led to the creation of its own process. The Committee itself had not anticipated the number of appeals for reconsideration. Further, the Committee changed the quality control component in the policy from hundred percent control of applications received to ten percent (five percent risky files and five percent random files). By reducing the quality control to 10 percent, it increased the auto pay research saving of all files by 41.1 percent.

Briefly, the National Administration Committee had in place then a three stage escalating validation process for assessing the eligibility of applicants where initial processing of applications was to be performed by the automated CARS. However, manual review was warranted in instances where there were incomplete records and complex searches resulted. Another National Administration Committee instituted quality control via a random sample of all CEP applications in order to ensure the accuracy of the CEP research process results. While the Committee planning assumption for the sample amount was set in the Process and Validation documents at ten percent of all applications, it could be raised or lowered based on a more detailed statistical analysis to ensure the correct validation sample. This policy change affected CEP implementation by delaying the process.

As a result, CEP officials had to deal with a new situation, including the high volume of demand that came from Service Canada requesting research by the OIRSRC CEP Research Unit. Interestingly, where requests came in, the period in which they were submitted/to be submitted was not accurately predicted by the CEP staff. All this was occurring in the context of other continuing changes imposed by other external circumstance, including changes to the applications criteria. Indeed, there were times when CEP officials had to go back on previous decisions in order to meet the new demands¹⁴ and change previous decisions regarding the approval process.

Based on documents reviewed, within the OIRSRC Department's Oracle financial system (OASIS), there were two key financial control points in the validation and financial payment process: the *Financial Administration Act* s.34 and s.33 approvals where s.34 sign-off confirmed that the payee was eligible for or, entitled to the payment.

Section 34

Pursuant to s.34 of the *Financial Administration Act* and the Treasury Board *Policy on Delegation of Authorities*, signing authorities are delegated to various levels of management of a department to enable them to administer programs and manage expenditures under their jurisdiction.

The Minister of the Department formally delegates and communicates spending and payment authorities through the financial delegation matrix. The incumbents with delegated financial authorities throughout the Department communicate these authorities through specimen signature documents.

¹⁴ For example, changes in policy, institution of the Reconsideration process, the National Administration Committee quality control, etc.

Primary responsibility for verifying individual expenditures and payments rests with these incumbents who have been delegated the authority to confirm and certify entitlement, pursuant to s.34 of the *Financial Administration Act*. These incumbents are responsible for certifying that work, goods or services have been received for the payment requested, that the charge is reasonable and correct, and that the payee is entitled to payment. Each transaction that undergoes s.34 certification must be coded to indicate the type of transaction and the responsibility or cost centre identifies the area where the expenditure was incurred.

Once the s.34 certification has been properly executed and the information is put into the Corporate Administrative System by the appropriate office, all documentation is forwarded to officers having delegated payment authority under s.33 of the *Financial Administration Act*. Prior to exercising delegated authority under s.34, new managers must undergo a five-day mandatory classroom course. Before December 2006, managers had the option to take the five-day course or an online training course.

Section 34 Financial Management Structure and Practices

Roles and responsibilities -- The issue that the OIRSRC faced was that by September 19, 2007, roles and responsibilities had not been identified and communicated nor were they well understood, given the recent delegation by Service Canada to the OIRSRC.

Training -- Another challenge was that the delegated manager and support staff needed to be provided with adequate training to enable them to properly carry out s.34 certifications or to clearly understand the ramifications of not doing so. Documents reviewed showed that an in-house s.34 “training” deck was developed by CEP staff in September 2007. Interviewees acknowledged that the National Research and Analysis Unit developed its own training tools, trained its own staff and adapted s.34 in real time. As a result, there were many consultations with Service Canada, the OIRSRC’ IT and its audit and evaluation directorate as well as senior management in order to ensure appropriateness and legitimacy of what was being done. There was no official training as in the five-day training requirement, which was then offered by the Canada School of Public Service. The national manager was not specifically “trained” on s.34 approval for the CEP. The study found that CEP staff had to move quickly with the training and the implementation of the process which they then documented, tested and then made revisions to the documentation before proceeding.

A human resources dimension links to the preceding. The Study learned that in the early fall of 2007, the OIRSRC experienced a high level of personnel and organizational changes where the National Research and Analysis Unit, while trying to staff positions, had lost key research staff. This was also a crucial time for the National Research and Analysis Unit needed to double its research contractor work force. As a result, trying to finalize training needs while the s.34 process was being subjected to changes inevitably led to some communication challenges.

As well, 99 percent of all the CEP s.34 authorizations were done in the Vancouver office, mostly by the National Director. However, on occasions, which interviewees admit were rare when both the National Director and the Assisting Manager were absent, the National Research and Analysis Unit East (the National Capital Region) assumed the s.34 responsibility. Significantly, as the Study learned, officials went to some lengths to ensure that the time zone difference did not have an impact on s.34 approvals. The Research Manager covering off the West adjusted her work hours, starting at 6am Pacific Time. On the other hand, the National Director, in the evenings during the

fall 2007, logged onto the Single Access Dispute Resolution Enterprise database remotely (via Citrix¹⁵) in order to electronically approve all s.34 CEP payments before the nightly cut-off and before the daily data transfer between the OIRSRC and Service Canada.

A related issue that impacted delivery was a s.34 checklist, which was added to the CEP process and thus, contributed to a prolonged processing time. As mentioned earlier, the s.34 checklist had to be completed before a file could be routed for payment but *Section 34* requires signing authorization for the *Financial Administration Act* and so it was with the authorization for the CEP. Interviewees observed that Service Canada sub-delegated its responsibilities for s.34 to the OIRSRC and as such, it was invested with sole signing authority for *Financial Administration Act* s.34. Key informants explained that this sub-delegation created some challenges with s.34 validation and in order to minimize the challenges and increase CEP coordination and s.34 checklist roles, managers had to split s.34 checklist roles between senior program officials and other staff.

As well, there was a need to have an integrated approach to planning, which evolved at the same time. With the Deputy Minister having full signing authority, this meant that CEP officials had to issue several cheques, yet, by the launch date in September 2007, they did not have what they needed and no one could anticipate what was going to happen. However, these checks and balances were designed to ensure the appropriate administration of the CEP Trust Fund rather than control operational and administrative costs.

Even though the CEP was implemented as expected, the number of claims submitted required extensive research and this led to significant pressure on the staff involved who frequently had to work overtime. A case in point, the extension of the September 19, 2011, CEP application deadline until September 19, 2012, in situations where former students could establish that they were unable to submit their CEP application due to disability, undue hardship or “exceptional circumstances.” The infrastructure, as mentioned, was also a challenge. In the National Capital Region, National Research Analysis Unit staffs were moved three times in 2007 to satisfy Settlement Agreement operational needs. Even with these challenges identified, it was clear that the staff and managers were dedicated and all worked in the best interest of the former IRS students.

In short, unanticipated identification authentication issues led to delays in processing times of applications, coupled with the initial high stress environment and continual changes to the process required by the National Administration Committee.

Tools

While the CEP staff worked towards meeting growing and changing demands, the Study found that the tools made available to staff in the CEP implementation presented many challenges. For example, the Single Access Dispute Resolution Enterprise (SADRE), the OIRSRC’s case management database, required a high level of management.

Information obtained from documents highlights the constantly changing requirements related to IT. For example, the manual data contained in the SADRE database were not always consistent when compared to the source documentation. Inaccuracies identified within the SADRE database included, but were not limited to, date of birth and contact information (such as mailing address and

¹⁵ CITRIX is an American corporation that produces software designed to facilitate secure access to applications and content. Citrix offers products for Windows, Macintosh and Linux platforms.

phone number). An audit completed on December 4, 2008, found that in 20 percent of files tested in a first sample, applicant information did not match the information captured in the SADRE. In eight percent of files that were tested in a second sample, applicant information did not match the information captured in SADRE. However, the improvement in results that came about was attributed to the introduction of key process controls within the Advance Payment program.

During the course of the same audit, it was discovered that the mailing addresses for 1,514 files had been lost as a result of a system conversion within the SADRE. Consequently, eight percent of the sample files reviewed did not have mailing addresses in the SADRE. The system conversion had resulted in the loss of claimant information.

There were other technical issues: the linkage between the CARS and SADRE; and connectivity issues when transferring information to Service Canada. The SADRE required many IT updates and changes over a short time, which led to unavoidable work-around, version control issues and affected interoperability.

A review of the OIRSRC's Departmental Performance Report, 2007-08 provided insight into issues related to the SADRE. For example, capital expenditures planned for 2007-2008 were to be used to support the full implementation of the SADRE. The expenditures were also to cover necessary changes to this tool's capacity and functionality as a result of the transition from the then still ongoing Alternative Dispute Resolution Process to what was to become the new Independent Assessment Process and the delivery of the CEP. At the same time, the OIRSRC Canada was still developing its organizational structure in anticipation of the approval of the Settlement Agreement.

The CARS was developed in-house for the express purpose of capturing the expertise of a researcher and proved to be an invaluable tool for the CEP process. According to interviewees, and confirmed by documents reviewed, the CARS, when initiated, consistently deployed this expertise at a fraction of the time and cost it took to undertake manual research, while matching or even exceeding the accuracy of a researcher. This research step was necessary if the anticipated volumes of applications were to be met and addressed appropriately. In addition, interviewees mentioned that the CARS deployed advanced techniques to enable initial processing of applications and was supplemented by a team of expert researchers who manually validated issues like inconclusive or incomplete findings by the CARS.

Although the CARS was well designed, it had its limitations. For example, it was unable to identify gaps in student claims, and the number of years covering a period of time was the biggest gap that the system could not address.

Key informants indicated, therefore, that diligent processes put into place to identify errors and ensure deficiencies in the system were improved on a continual basis. An audit completed in December 2008 helped to isolate these key challenges and enabled staff to address the problems.

Finding 4: *Former students were provided with good and ample information on eligibility criteria and how to apply.*

According to interviews and news clippings reviewed, former students were made aware of the process through different mechanisms. First was the court-approved Notice Plan, implemented in 2006, 2007, 2011, and 2012. In 2006, the Government of Canada funded a court-approved Notice Plan, which aimed at reaching and informing former students and their family members of the

Agreement. Hilsoft Notifications, which was engaged to assist with the process, designed the Notice Plan; the implementation process was undertaken in four phases, which extended from 2006 to 2012.

The Notice Plan encompassed advertising in various media outlets: Indigenous and mainstream print, television, and radio media; poster campaign; internet advertising; and direct mail to known former students. The communications materials were produced in English, French, and a number of Indigenous languages. According to documents reviewed, “the four phases of the Notice Plan were determined to have reached 98 percent of the target population, an average of 14 times”.

There was also the media as an audience and public affairs television broadcasts were developed by media firms like Hilsoft. Further, pamphlets and posters were developed and distributed in band offices. In addition, because the importance of maintaining published service standards was stressed and also the Prime Minister’s formal apology to former students in June 2008 for the legacy of the Residential Schools, awareness of the CEP increased. Such awareness information contributed to the CEP experiencing a number of unexpected challenges in terms of communication to applicants concerning delays in processing applications.

The OIRSRC kept reaching out, providing diverse service options for the highly complex target population. Thus, the Advocacy and Public Information Program was managed by the OIRSRC to encourage the sharing of information and to ensure that the Indigenous community, particularly former students and their families, were aware of all aspects of the CEP. The program, contribution funded, was launched in 2007-2008 to support all efforts to reach IRS former students and inform them of the benefits available to them under the Settlement Agreement.

The OIRSRC also undertook training sessions that included local Elders and Indigenous traditions and interviewees considered that these sessions were most appreciated by former students, their families and their communities. In this sense, the OIRSRC used local community members to recruit or assist applicants, something that, according to interviewees, was widely seen as beneficial.

Delivery- CEP Outreach (weaknesses)

The Study, on the other hand, found some weaknesses. For example, the lack of operator (call centres) awareness of emotional triggers during the CEP process came up as an issue. Interviewees volunteered that in reference to implementation, there was a lack of planning (i.e. training) for staff in terms of preparing them for the possibility of triggering the emotions of former students that could result as a result of an IRS-related outreach.

There were also challenges with respect to managing the helplines. Key informants noted that it was unclear to beneficiaries which number to call and there were high call volumes, in addition to initial language barriers. There was also the inability of service operators to update applicant files due to access and privacy restrictions. Documents show that several elderly applicants spoke an Indigenous language, which initially complicated both communication and outreach efforts. Interviewees though agreed that, based on responses they received, applicants were generally satisfied with the service delivery and the outreach efforts, especially the collaboration with local band councils, which were instrumental in facilitating outreach efforts.

Another challenge was having only a 28 day turnaround to issue cheques to applicants. During the planning phase in the months leading up to the launch, it was confirmed that it was difficult to obtain approval for funds from the Treasury Board in preparation for the launch of the CEP. This created delays in the short period available for planning, which impacted the data system that was being put in place. This in turn led to a delay in response to applications and eventually a delay in issuing cheques.

Administrative files reviewed did not provide any evidence that a *gender-based analysis* of the CEP was undertaken and the study cannot say if such an analysis could have made a difference by facilitating the development of a service delivery strategy for women in these circumstances. Neither could the Study ascertain if a gender-based service delivery strategy could have impacted processing delays by, as an example, advancing files or dealing with the labour intensity that would be required for issues such as names identified and/or name changes. The Study is aware that all of the key informant background data that were of import to the CEP included not only age, residence, years of school attendance, date of CEP receipt, etc., but also gender. File documents like application forms required applicants to provide basic background information, including gender.

Findings 5: *There were service standards in place, designed to assist the Office of Indian Residential Schools Resolution Canada to deliver the CEP with quality and care and these were met.*

OIRSRC Service Standards

The CEP process had documents that guided employees on how to confirm residency and authorize payments.

The validation of the CEP applications posed many complex challenges for the Trustee of the CEP funds (i.e. the Government of Canada), namely, the sheer volume and service standard requirements. Essential to the OIRSRC's ability to respond to these challenges was the deployment of the CARS. This step was necessary in order to meet the volumes of applications that were received.

Documents reviewed show that to ensure appropriate service standard times were met, the OIRSRC employees, led by CEP staff, were required to work seven days per week in the National Capital Region and Vancouver offices and, when necessary, extra shifts were added depending on workload. The Study found that exceptional cases required additional time. Interviewees also confirmed that in order to afford greater flexibility in increasing or decreasing capacity as required, contractual resources were engaged for much of this effort. The OIRSRC also had discussions with Public Works and Government Services Canada in 2007 to launch a new research services standing offer to ensure that of the 285 resources later engaged on a contractual basis Indigenous people were considered. This included an Indigenous set aside Standing Offer to encourage as many Indigenous businesses and people as possible to take up the opportunity to carry out this work.

The National Research Analysis Unit also established its own standards for staff and consultants. There were a certain number of files that needed to be completed each day (around three to four) and a specific number of files that staff needed to verify each day for quality control purposes. During the peak period, November through December 2007, the goal was to complete 1,000 files each day. A huge task, the whole OIRSRC Department was involved, including enlisting help from staff in the Dispute Resolution Operations Branch who were working in the Independent

Assessment Process and Alternative Dispute Resolution areas. Researchers were given service standards that governed processing, for example, three to four files per day. The main driving force was the overall requirement of 1,000 files a day.

There was also a checklist and process in place for the *Financial Administration Act, Section 34* workflow. The managers and director of the Research Unit were delegated the authority by the Minister, Human Resources and Skills Development Canada, to approve payments. A key informant noted that “this went according to plan and it was either 24 or 48 hours to provide approval.”

Another interviewee stated that from a service call perspective, it was hard to monitor service standards due to the high volume of applications and complexity. The high initial application intake was aggravated not only by such problems as missing information but also the issue of the complexity as well as the type of claim that was submitted, which could be as varied as an estate, individual or personal representative. These factors prompted immediate backlogs of claims that had been submitted for processing. In this context, processing applications faced challenges and unexpected pressures, impacting on service standards, which required that development of solutions to be done in real time.

Meeting service standard requirements was improved with the development and introduction of the CARS, which was used to manage data. As a result, this evolved to a more robust collection of performance data so that CEP staff was able to work more closely with Service Canada (e.g. information sharing) and which reflected a very good relationship, according to interviewees. Interviewees confirmed that at the operational level, even though there were issues with systems in both departments, the relationship was good where there was a close working relationship with the Service Canada Director responsible for payments.

Service Standards with Service Canada

The Memorandum of Understanding between the OIRSRC and Service Canada set a service standard where all applications were to go to Service Canada for processing (i.e. download the information into the SADRE every day). For Service Canada to proceed with payments, the CARS was set up by the OIRSRC to automatically assess all new applications. The CARS had to go through 1,000,000 student records (i.e. names, coding) making sure names were captured in the computer systems. The goal was to have 60 percent of all applications initially assessed and have automatic validation and generation of decisions. These service standards were agreed upon between the OIRSRC and Service Canada.

Finding 6: *Officials collected, monitored and reported on performance information, which was used for decision making.*

At the launch of the CEP, staff were unable to collect performance data as a result of the fast pace of the implementation. This resulted in staff having to be reactive to the demands coming from the applications and the National Administration Committee.

In order to meet such demands and in addition to about 60 staff, some 250 research consultants had to be engaged by the Research Unit to work on the CEP for quality control, accountability and performance, all in the same time frame. Together with the Coordination Unit, which was the face of the program, staff were able to determine how the implementation of the Settlement Agreement was advancing. As the CEP matured, staff adapted, improving on their performance measurement

knowledge in terms of understanding whether their output efforts were in line with what was intended, if it should have been achieved, and if their efforts met their service standards. Where there was a lapse, consultants were engaged to help and thus, different models were used. Officials started collecting, monitoring and reporting on performance information and during the peak period, November through December 2007, staff monitored performance and reported to the Minister's office daily.

Documents reviewed also showed that in addition to briefings, quarterly reports and other information was provided to the Treasury Board Secretariat. Further, every part of the OIRSRC was divided into projects, activities and risk reporting. Particularly after the launch, when the process found its rhythm, staff started to collect performance information. Recognizing the sensitive nature of the CEP and the role of the National Administration Committee, much reporting was done to ensure accuracy and accountability. In the early days, staff had to send daily and weekly update reports to the deputy ministers, the National Administration Committee, and the Assembly of First Nations.

Staff also monitored the length of time, for example, on application processing¹⁶ and also the time taken for cheques to be paid out once a decision was sent to Service Canada. In addition, the number of claims and applications submitted monthly was monitored. A review of the reports revealed that staff monitored progress against their strategic and operational goals. The quarterly reports included activities achieved against each of the strategic objectives and also reported results against key activities and performance indicators/milestones. Indeed, performance data showed that during the peak period, staff increased its capacity to process applications.

CEP Coordination Unit staff contributed to National Administration Committee meetings as well as participating in regular meetings with Service Canada. This implies communication and collaboration with the various CEP stakeholders (Crawford Class Action Services, Churches, First Nation and Inuit representatives).

Finding 7: *Several diverse factors such as leadership, staffing and IT, impacted delivery.*

Leadership and Staffing:

The OIRSRC Department saw many changes in 2006. In March, the Settlement Agreement was approved and there was a change of deputy ministers (followed by another change of deputy ministers in 2007). In addition, there was a new director general of Corporate Services while there was a six-month vacancy for the position of Human Resources manager. Key informants agree that such a situation impacted CEP human resource priorities by causing delays in the capacity to undertake or address CEP needs. Meanwhile, the ability of the Department to work with Service Canada to deliver on its commitments under the Settlement Agreement with respect to the CEP was a key departmental priority. It was therefore the OIRSRC's priority to ensure that there were enough human resources available to manage the CEP process.

¹⁶ The requirement in the Settlement to process an application is 28 days.

The OIRSRC's high turnover required managers to undertake constant, ongoing staffing. There was a need for highly skilled, informed workers and managers in order to meet the OIRSRC's obligations under the Settlement Agreement, in addition to carrying out day-to-day activities like the *Public Service Employment Act* requirements. Documents reviewed show that in early 2007, though there was an urgent need to staff, there was a staffing pause to ensure that OIRSRC staffing processes (e.g. how they were handled or the merit criteria and the subsequent selection of candidates) aligned with both the Public Service and the OIRSRC's corporate values.

The Study noted that when employees depart from an organization of which they have been a part, it is most often the case that they carry with them wide experience and critical knowledge. Considering the size of the OIRSRC, which was a small department tasked with leading implementation of the Settlement Agreement, the impact of Human Resources losses (due to high turnovers) on the delivery of the CEP was immense as this meant fewer people to administer the response to this complex and sensitive Settlement Agreement.

IT Issues

A critical element of the CEP response, IT, was executed late, ineffectively or not at all in the initial stages, which affected timeliness in the CEP delivery. There were two departments involved, Service Canada, which was much bigger with multiple and also critical service delivery requirements and experience and one, the OIRSRC, which was small and with a singular focus.

As a small department, the OIRSRC had three different IT systems and which were managed by separate internal units and, as stated by an interviewee, sometimes led to potential tensions. The Department's IT group was in control of the SADRE (though the National Research and Analysis Unit approved all CEP work flow); the National Research and Analysis Unit controlled the CT Summation, and a private consultant developed the CARS.

The OIRSRC received 79.6 percent of over 105,000 applications within the first three months of the launch. So many applications were submitted that the system was unable to handle the vast amount of information that had to be collected and processed, and the OIRSRC had to find solutions quickly. Senior management was concerned because of the quantity of information that was coming in and that needed to be processed. IT had to work the system and make adjustments while processing of applications was underway. This led to a delay in the delivery of cheques. An interviewee said that "At one point, cheques were not sent because of IT issues." As a result, former students went public with their complaints and the media emphasized that the prevailing computer dysfunction was even more reason for the Government to be diligent in ensuring that former students were not re-traumatized.

Information gathered from both the document review and key informant interviews indicated that former students who applied for the CEP were frustrated with the Government (the OIRSRC and Service Canada) for the processing delays. Computer problems added to the CEP implementation challenges. The technical difficulties then troubled the launch of the CEP, including the call volume period that began September 19, 2007, and needed to be fixed as soon as possible. Said an interviewee, "The computer and software system should have had more time in order to subject the software to testing prior to launching because it should have been a year-long IT preparation but rather, we had a four-month window and only a week to test it." As one of the documents showed,

CITRIX¹⁷ licences were delayed when the CEP was launched. As a consequence, available researchers were unable to access the system to process applications; there were black-out periods in Ottawa as a result of limited access in Vancouver as the staff waited for additional licences to be purchased.

The most pressing problems for the OIRSRC was adding capacity and fixing bugs in the IT system. For example, implementing IT changes at Service Canada meant following rigid protocols, especially for making changes to any template response letters. With the launch of CEP in September 2007, the OIRSRC tried using as many IT technicians as possible to help smooth out the process. Eventually, it had a team of seven technicians. “You wouldn’t need 100 IT people; the problem was how short the period was and what officials had to do to get things going well, and immediately,” another CEP interviewee confirmed. Every day, CEP officials worked overtime to improve the situation, bringing in additional technical experts to work on the problems.

The initial computer-related challenges were publicized, creating a controversy. As a result of the media backlash surrounding the delayed cheques, OIRSRC’s Minister demanded an immediate solution. The Assistant Deputy Minister, also in charge of the CEP rollout, appeared on television to address the issue. Efforts were made to redesign the IT system and bring in different technicians to look at the option of going back to manual research.

IT Flexibility: Despite the challenges of a higher than anticipated number of applicants, eventually, the CEP response went well. After the glitches were fixed, CEP officials moved ahead with a notification process which assured recipients of delivery of cheques in a timely manner. The CEP capacity was evidenced when processing capacity improved by November 2007 with a thousand files being processed a day.

It should be noted that the CEP was also a joint initiative with Service Canada. In this sense, there were times when the OIRSRC intake application forecast was different (different assumptions) from that of Service Canada and as a result, there were times when information or documents going to, or coming from, Service Canada arrived late at the OIRSRC. When applications came in more quickly than expected, it created problems. According to interviewees, there were times when Service Canada faced challenges with timelines, experiencing significant delays on its end so that “it took quite a while before files were transferred to us.” However, having Service Canada at the front end was also a blessing in disguise as its delays “gave us an opportunity and also enabled us to prepare and make last minute adjustments so we could be better prepared when an avalanche of files arrived.”

In addition, having an integrated/automated system with Service Canada meant that all changes to the process had to be coordinated between the two departments. As a bigger and more established department, the Service Canada IT network was extensive in comparison with that of the OIRSRC and therefore making adjustments to its system “was challenging and painstakingly slow,” commented a key informant. The implication, as the OIRSRC CEP staff saw matters, was that even though there were periods where they could easily make adjustments from the OIRSRC end, they had to delay rolling out some aspects of the process until Service Canada was able to accept it. For instance, to change a letter (e.g. data entry), any changes to the OIRSRC processes took longer as it

¹⁷ CITRIX is an American corporation that produces software designed to facilitate secure access to applications and content. Citrix offers products for Windows, Macintosh and Linux platforms.

also had to go through Service Canada, hence, prolonging the process. So in a given situation, when the OIRSRC was ready to go, the procedure resulted in a delay.

With data entry later becoming the responsibility of Service Canada, data accuracy was enhanced, though accuracy of key data remained critical in order for the OIRSRC to conduct an effective search of records and validate claims to determine the appropriate CEP payment to be disbursed to claimants.

Economy

Finding 8: *Taking into account the urgent, sensitive nature and the scope of the Settlement Agreement, the CEP was delivered in an efficient manner.*

The cost for the design and delivery of CEP between 2007-2008 and 2012-2013 was approximately \$102,000,000 in salary and in B-base money (Operations and Maintenance). Considering the uniqueness of the CEP and the nature of the process, key informants were of the view that the cost for the design and delivery of this initiative could not have been reduced. The document review indicated that the CEP was logically delivered with a fair amount of effectiveness, efficiency and economy. Moreover, this is most accurate considering the nature of the CEP, the environment and the context within which the CEP had to be delivered and by whom. Moreover, interviews and documents related to the CEP, as well as the literature on redress matters demonstrate that in such situations, efficiency and economy are not viewed as central compared to ensuring the accurate and timely compensation of beneficiaries and the desire to address wrongs. The CEP goal, as set out in the Settlement Agreement, was to ensure that eligible former students were reached and served in a sensitive way respectful of their culture.

Mechanisms were developed to efficiently monitor the CEP process

With respect to economy, the CEP delivery was dependent on existing staff and, in some cases, on consultants who were engaged as part of the OIRSRC temporary staff. Further, a module for the SADRE had to be created urgently and in-house to manage CEP data. The administrative cost data also showed that overall costs appeared to be aligned with budget requests.

Financial controls were also in place to monitor all aspects of the CEP. For example, throughout the CEP process, rigorous checks and balances were used not only to make sure that former students received their allotted funds but also that payout to eligible former students was carried out properly. In this case, there were auditors (an audit and evaluation function) and third-party review by Crawford Class Action who were monitoring all aspects of CEP work done by the OIRSRC. Also, both the Court and the National Administration Committee approved all changes in policies and procedures, and monitored the progress of the CEP. The process was therefore considered to be very transparent.

Based on interviews, however, the number of applications that required research during the first few weeks after the launch of the CEP was very costly and further, the mechanism in place at the time was not cost-effective in that additional funds had to be injected into the CEP to meet its needs. The costs do not include the toll CEP took on the OIRSRC employees and CEP staff, in particular, in their efforts to ensure an appropriate and timely response to the Settlement Agreement.

Another control in place was an overpayment policy, which covered any possibility of an overpayment being made. The goal of this policy was to monitor possible overpayment to former students and it was handled by the National Research Analysis Unit decision makers on all CEP files. They also identified overpayments and the reasons why an overpayment was in fact considered to be an overpayment. Through documents reviewed, the Study noted that only 59 cases were reported compared to the 80,000 applications that were submitted.

Fraud prevention was also established by the OIRSRC and ensured that employees (staff and research consultants) who worked on the SADRE interface and submitted recommendations were not the same as those who were approving the *Section 34* delegation activity; the goal was to avoid duplication. So, for example, a researcher could not be involved in the research as well as in the final approval process of applications.

Finally, there was the quarterly reporting to Treasury Board, which was also a means of monitoring costs. It should be noted that in implementing the Settlement Agreement “the OIRSRC was starting everything from scratch, building a new thing.” According to an interviewee, the pre-implementation and the pre-launch of the response “was scary with so much coming at you at once and being a small department with the Settlement Agreement unlocking billions of dollars for thousands of recipients, topped by the fact that it was a very sensitive situation as well as it being the largest Settlement Agreement in Canada’s history.”

Finding 9: *A number of unintended outcomes emerged from the design and delivery of the CEP. For example, the difficulties with Computer Assisted Research System and an increase in Access to Information and Privacy (ATIP) requests.*

Negative Unintended Consequences

During the planning phase, in the months leading up to the launch, a first unintended negative outcome was the difficulty in obtaining approval of funding from the Treasury Board Secretariat for planning and developing activities in preparation for the launch of the CEP. This created delays in the planning stage, which affected the data system that was being put in place. “The OIRSRC should have more time to do some testing on the software because it should have been a year-long IT preparation but rather, we had a four-month window,” said a key informant interviewee, who noted that difficulty in obtaining funds from the Treasury Board affected the timely implementation and testing of the IT software.

During the design phase, the second unintended, negative impact was the lower level of effectiveness of the CARS than that anticipated by departmental officials. This problem was due to the short period of time available to design and create the CARS software, including the short period of time for testing the prototype. The Study found that the CARS prototype was designed during the summer prior to the launch of the CEP in September 2007. Technicians were not able, in a timely manner, to resolve the issues that the system encountered so that when the CEP was launched, glitches affected efficiency in delivery. As a result, more research had to be conducted manually, which proved to be more costly, both emotionally and financially.

A further negative unintended impact was the increase in ATIP requests. Though CEP administrators should have foreseen this increase, ATIP requests concerning rejection of former

students' applications came fast, with cryptic responses being provided to the ATIP inquiries and applications.

As the Study found, the main reason for the suspicion was simply because the CEP decision response letters to applicants did not fully explain why an applicant did not receive exactly what he or she had applied for and neither did applicants have the benefit of seeing school records used by the National Research Analysis Unit or how interpolation and inference policies were used. Often, applicants had to recall IRS residency dates from their memories as a child resulting in discrepancies between memory and actual dates cited in the records; this also generated confusion. Senior managers as a result had to work with ATIP officials to create a formal 1-800 number for the benefit of affected applicants, providing an avenue where applicants were then able to have their questions addressed and answered.

Interviewees also mentioned that another negative unintended impact applied to former IRS students in terms of the consequences associated with having to receive considerable lump sums of money at a single time. Most of the eligible former students were advanced in years. Consequently, there existed the potential for some former students to be taken advantage of in terms of being robbed or physically abused by family member(s) and by others, including community members. The Study notes that this issue is beyond its scope.

However, this issue is similar to the following example of a negative unintended impact regarding the perceived lack of former students' management skills. Interviewees mentioned that former students were disadvantaged as they lacked the capacity to manage the amount of money they received. These particular negative unintended impacts are mentioned because at the design stage of the CEP, a part of the process was dedicated to providing awareness information to former students of what could happen, both in the wake of the Settlement Agreement and after applications were accepted as eligible and payments were made.

While the Study found the CEP process fair to former students, other parties were negatively affected by it. For example, CEP officials appeared to have suffered from a lack of adequate and/or appropriate training to deal with the high volume of applications received as well as the highly sensitive nature of the context. This issue came up often in interviews.

The merger of the OIRSRC with INAC appeared to be a double-edged sword, which resulted in both negative and positive unintended consequences. According to interviewees, it was negative for some former IRS students in that they were suspicious of INAC and therefore viewed INAC's mandate and involvement in the response to the Settlement Agreement as an intrusion by a colonizing power.

Positive Unintended Consequences

On the other hand, the merger of the OIRSRC and INAC in June 2008 was also an unintended (unexpected) and positive outcome. As a machinery of government-orchestrated move, even though this was not directly linked to the delivery of the CEP, the decision to merge the two departments went a long way in terms of providing relief to the overwhelmed employees of the OIRSRC who, as employees of a small department, needed the resources of a much bigger and well established department to respond to the pressing demands, not only of the CEP, but also of the whole response to the entire Settlement Agreement. In other words, INAC could provide corporate

support for the delivery of the CEP, which helped to better manage the CEP; said an interviewee, “The difference was like night and day.” As a result, the merger was found to be very helpful with respect to efficiency.

As mentioned earlier by interviewees, because of the education provided to the eligible former students, for example, informing them of the importance of opening bank accounts, etc., the chances of recipients being victimized by others was limited or controlled to some extent. The role of the Court, also mentioned earlier, was considered a positive unintended impact.

7. Lessons Learned and Best Practices

Whenever possible, emergency responsibilities should be extensions of the regular missions of federal departments.

Lessons Learned

1- Organizational Capacity

Responding to an initiative as large, urgent and as significant as the CEP, it needed a big department with the wherewithal to respond to it as well as to the organization's own regular needs. In terms of the CEP, Service Canada had the expertise, was well established and had the required resources, and it did its part despite facing challenges. The OIRSRC also did its part "but fifty, sixty percent of the processing work was done by Service Canada. Maybe all of it should have been transferred to Employment and Social Development Canada", commented a key informant. The initial and unexpectedly high volume of CEP applications submitted exposed the need for a department that was well established, had the associated human resources, and could also respond quickly to delivery requirements.

2- IT

IT projects require adequate time and planning for testing. Even in much bigger and better equipped departments, managing IT is challenging and there is not always a good understanding of IT projects by staff in general. As the CEP initiative demonstrated, nothing derails software implementation like users who do not have or who need an interdisciplinary team to represent those working with software on a day-to-day basis and who are empowered to make decisions about its implementation, use and deployment. In this case, this need included having a team that could research both new and traditional on-site software systems to see what the ideal fit was with the current OIRSRC technology and short and long-term technology needs and goals.

It is not clear to the Study what IT guidelines were followed by the OIRSRC CEP administrators. Building the CARS into the SADRE was slower and less productive and effective than anticipated. There were differences in approaches between the SADRE developers and the builder of the prototype, which ultimately translated into the CARS being less robust than the prototype. Many of the researchers had not previously worked with the SADRE database and new document interpretation standards were required to meet the CEP Assessment Protocol.

The CARS was able to prepare a response based on the documents in files. In some cases, employees thought that a negative response was a CARS failure and therefore did not trust the System. It must be recalled that the OIRSRC wanted to move quickly in its response to the Settlement Agreement and so the CARS was built in a hurry, in three months. The issue, as the Study found, was that there should have been earlier interactions between the two IT groups. In the end, the CARS ended up getting cut short because of the challenges associated with it.

Further, for any future system upgrades or data transfers, it is paramount to ensure that prior to the approval and implementation of the change, minimum data quality validation is completed to ensure relevant records are retained. This means having a team of subject area experts who could ensure that users were made aware of the current challenges being faced by the Department, and therefore, could have helped the CEP staff focus on an implementation structure that could have solved the issues and satisfied employees with relevant, efficient functionality as well.

3- Governance

The Settlement Agreement divided the roles and responsibilities for the design and delivery of the CEP between Service Canada and INAC. These roles and responsibilities were outlined in the Memorandum of Understanding between the two organizations and interviewees viewed this approach as a useful lesson learned as it helped provide sufficient oversight by the two departments to ensure that every undertaking was being carried out in accordance with the terms and conditions of the Settlement Agreement. In this sense, the role of the Court in the delivery of the CEP was considered a good lesson learned. Thus, despite weaknesses that emerged, the governance structure in place was deemed appropriate as it provided a framework for making progress towards achieving the expected results of the Settlement Agreement over a relatively short period of time and in spite of the initial challenges.

Within the Department, the overall responsibility for risk rested with Senior Management. Strategic governance was provided by the departmental executive committee, supported by a risk sub-committee with the departmental risk manager as Secretariat. Interviewees noted that as part of the accountability of risk management within the Department, the departmental executive committee undertook the responsibility to commit to and establish a Corporate Risk Profile as part of their governance responsibility to the Department. This was a lesson learned.

Another lesson learned, and also an unexpected outcome, was that the Assistant Deputy Minister was, in a sense, reporting to three bosses: the Deputy Minister of the OIRSRC; the Courts; and to the Assembly of First Nations (which “called every day” for status updates). Reporting to different bosses also contributed to delays.

It was also noted that the Settlement Agreement should have allowed for a two-step approach to implementing the CEP where the initial step would have been for the various parties involved to first agree upon the validation and assessment protocol while the second step would have catered for a reasonable period of time for both the design and implementation of the response once the protocol was agreed upon. “Even three months would have been a big help,” was the comment.

4- Two offices (National Capital Region and Vancouver)

Managing multiple locations and overseeing employees in distant offices can cause quite a few challenges because a manager needs to work hard to retain team cohesion and the philosophy that everyone is on the same team regardless of where they work.

While having National Research Analysis Unit offices located primarily in two geographical locations was, according to an interviewee, not a problem at the senior management level, the Study found that it represented difficult operational issues for employees at the junior level. For example, the Study found that complicated work assignments were an issue, considering the nature of the CEP initiative, and which demonstrated that it was harder to perform certain types of jobs or collaborate on them because employees were based in remote locations.

The Study also found that an out-of-site/sight out-of-mind syndrome affected the CEP implementation process. Given the urgency surrounding the CEP delivery, it was obvious that when matters became very busy at the National Capital Region, the primary location, it was hard to give employees based at other locations, for example, Vancouver, the time they needed to do their work or vice versa. Further to this was a loss in terms of spontaneous communication when a manager did not see his or her employees in the hallway or at meetings, and found little opportunity for any natural or unplanned communication. The same could be said of employees.

Concerns with respect to a lack of team cohesiveness also could not be ignored. The Study noted that the Resolution and Individual Affairs Sector Units exhibited an “us-versus-them” mentality; and with respect to geographical differences and distance, the implication, it appeared, was that CEP employees were as well disadvantaged as from employees not knowing each other.

5- Contingency Plan

The Study did not come across any document demonstrating that a Contingency Plan had been put in place and moreover, implementation of the components of the Settlement Agreement were simultaneous and also done in real time to ensure meeting the Settlement Agreement’s requirements. A Contingency Plan prior to the Settlement Agreement, even if not finalized, could have proven invaluable to the CEP response effort. Such a Contingency Plan could have been situated within the broader OIRSRC CEP coordination structure to function as a national response system, which encompasses an organized network of departmental units and resources with authorities and responsibilities in response to Settlement Agreements.

For example, an IT Contingency Plan included within the CEP response plan could list responsibilities and procedures for personnel in charge of IT during an IT system failure, as CEP administrators experienced. Had there been such a plan, it could have indicated what alternative IT systems were to be used in case the primary one did not work and also who would be responsible for fixing it and within what length of time.

Best practices:

The OIRSRC had and kept the former IRS students in mind and this was a best practice in terms of the delivery of the CEP. It demonstrated that the special and particular needs of the IRS former students and their communities were included in the design and delivery of the CEP. There was, for instance, an acknowledgment of the need for a sensitive, more culturally aware and interpersonal approach to the CEP response.

Early outreach and communication provided to the eligible former students at the beginning of the CEP with respect to informing former students of the importance of having bank accounts, being cautious of family and community members as well as cautioning about predatory behaviours by others who may try to mislead or take advantage of the former students attempted to limit the chances of recipients being misled.

For example, according to interviewees, the creation of the awareness initiative on how recipients ought to manage their money was a success. This was demonstrated when a leading member of the Indigenous community came to the OIRSRC to, symbolically, make the first call to the first recipient when the first cheque was to be delivered. Anecdotal evidence suggests that when the first call was made, the recipient on the other end of the line responded “You’re a scam artist,” which goes to show the effectiveness of the awareness initiative. It was also noted that the RCMP and others were involved in protecting and informing former students.

One of the documents reviewed also showed that “Best Practice” sessions were used as one of the controls by the OIRSRC. For example, CEP Research Best Practices sessions with all CEP researchers and staff were held to clarify process questions and approaches to improve overall productivity.

8. Conclusion

The CEP was part of the Settlement Agreement, which was of such national significance to the extent that the Prime Minister made a formal apology to former students of the institutional abuse meted out to Indigenous students. As such, the CEP required a coordinated and effective response by an appropriate combination of key federal departments with the wherewithal, in terms of both financial and human resources as well as service delivery and technological expertise, to bring to bear upon the challenge. This was needed in order to provide the basis for or contribute to long-term community recovery.

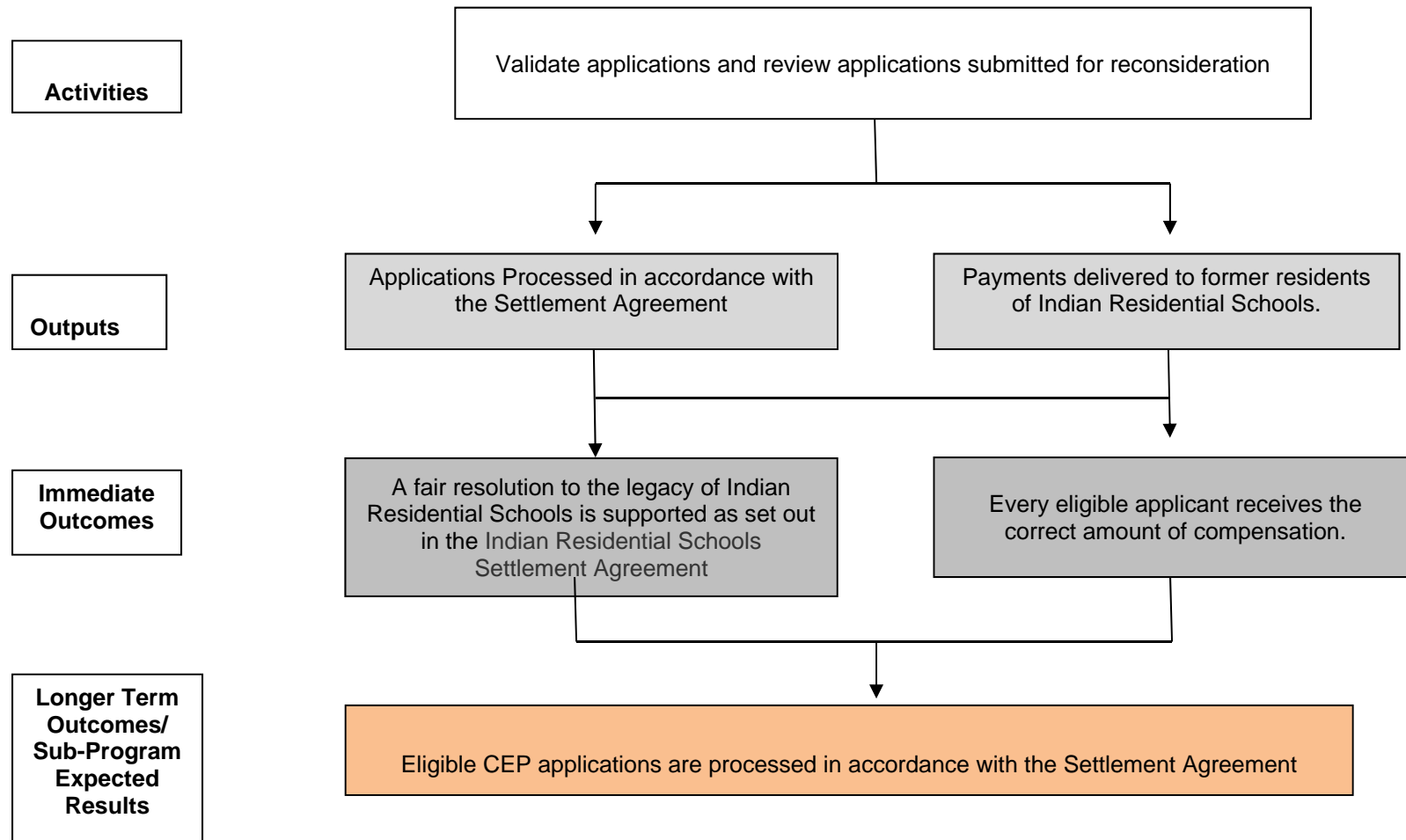
The OIRSRC was a small, stand-alone department before June 2008 and had minimal or no interaction with INAC. In the first six weeks after the launch of the CEP, Service Canada had received 80,000 applications. In November 2007, when the OIRSRC started to understand the magnitude of the CEP demand, the Minister instructed that 38,000 remaining files be completed in five weeks. This demand was staggering and created an unrealistic scenario for staff.

The resources of the OIRSRC were overwhelmed, to the extent that at one point, the Office had every resource at its disposal put towards the CEP, including, in particular, personnel, equipment and materials. Due to the nature of the Settlement Agreement, pre-planning that set out clear policies, procedures, and responsibilities, most particularly at the project level, was needed. This was required to meet all known or expected situations. Further, coordination with departmental management officials and other federal department officials was needed to ensure efficiency of the process.

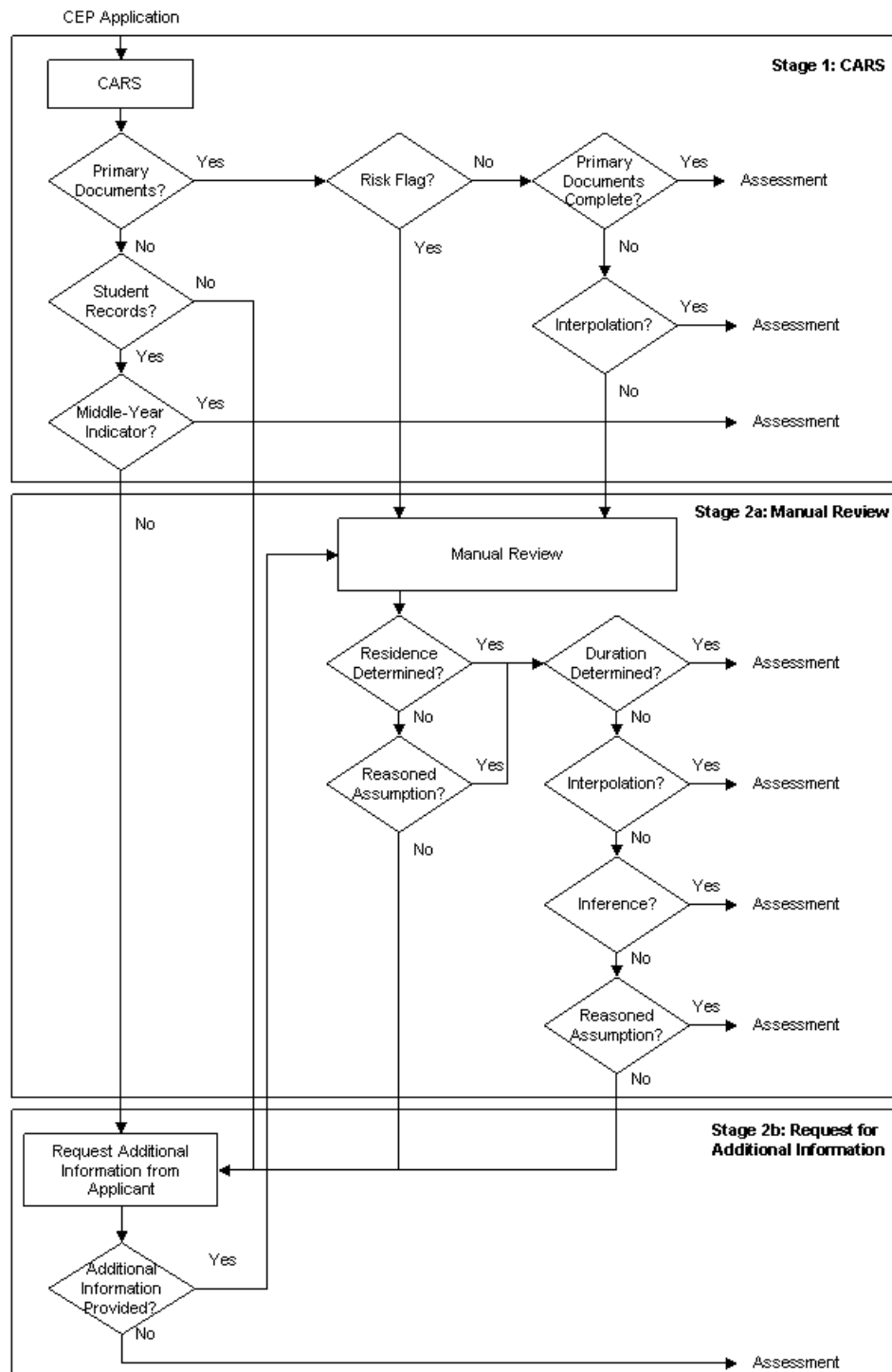
The initial IT system was unable to support the unanticipated large-scale logistical challenges. The SADRE and the CARS technologies used to manage the CEP system were greatly to blame for the delays that arose. A review of documents and interviewees' responses found that the CEP IT systems were overwhelmed during the CEP delivery stage, which hindered efforts and consequently delayed the payout of cheques, and put call centre response personnel at risk of not meeting their goals. The IT system could not automate the process as much as expected. According to interviewees, the SADRE was not integrated with other CEP IT systems such as the CARS software used to identify needed information on former students; neither could it share information across departments. Yet, as a result of the dedication of employees, goals were met, addressing the requirements of the Settlement Agreement. The CEP is still ongoing, though in a wind-down phase and it is anticipated that it will be completed by March 31, 2016.

Appendix A – Logic Model

Draft Logic Model for 2.4.1 Common Experience Payments



Appendix B – CEP Assessment Process Map¹⁸



¹⁸ Assessment refers to the determination of an application, whether resulting in approval or denial of the application period.

Appendix C - Legislation

Financial Administration Act (Section 34)

Marginal note: Payment for work, goods or services

34. (1) No payment shall be made in respect of any part of the federal public administration unless, in addition to any other voucher or certificate that is required, the deputy of the appropriate Minister, or another person authorized by that Minister, certifies

- (a) in the case of a payment for the performance of work, the supply of goods or the rendering of services,
 - (i) that the work has been performed, the goods supplied or the service rendered, as the case may be, and that the price charged is according to the contract, or if not specified by the contract, is reasonable,
 - (ii) where, pursuant to the contract, a payment is to be made before the completion of the work, delivery of the goods or rendering of the service, as the case may be, that the payment is according to the contract, or
 - (iii) where, in accordance with the policies and procedures prescribed under subsection (2), payment is to be made in advance of verification, that the claim for payment is reasonable; or
- (b) in the case of any other payment, that the payee is eligible for or entitled to the payment.

Marginal note: Policies and procedures

(2) The Treasury Board may prescribe policies and procedures to be followed to give effect to the certification and verification required under subsection (1).

Appendix D – Terms of Reference for Working Group

Working Group Terms of Reference

1. MANDATE

A Working Group will be established between INAC’s Evaluation, Performance Measurement and Review Branch (EPMRB), and program officials at Headquarters. The mandate of the Working Group will be to assist the Evaluation team at different stages (Methodology, preliminary findings and draft final report) of the Lessons Learned Study.

Ensuring the quality of evaluations is one of the most important aspects of the Evaluation Branches’ work. Quality is ensured by including an appropriate mix of decision-making, internal and external review and the application of quality control tools. The objective is to produce Lessons Learned Study products which are reliable, useful and defensible to both internal and external stakeholders.

Working Groups are an integral part of the external review process for evaluations.

2. PRINCIPLES

The Working Group’s guiding principles are to ensure that:

- comments are presented in a timely and professional manner;
- issues are consistent with Treasury Board Secretariat¹⁹ policies and guidelines related to evaluation and program accountability; and that,
- Lessons Learned Study results are based on reliable and defensible evidence, and anchored in a methodology that is the most appropriate in the context of the Study.

3. OBJECTIVES

The objectives of the Working Group are to present the interests and concerns of the parties involved in the process regarding the planning and implementation of the Lessons Learned Study through the provision of technical and strategic expertise that focus on ensuring:

- relevant Lessons Learned Study issues and questions are covered;
- The evaluators are aware of all pertinent factors and documents surrounding the Lessons Learned Study process;
- The evaluators have proper access to the relevant administrative data and information;
- Factual errors are avoided and data challenges are recognized and responded to, if possible;
- Reporting is clear, concise and balanced and set out in such a manner to facilitate management response

¹⁹ These policies and guidelines are available at www.tbs-sct.gc.ca.

4. MEMBERSHIP

The Working Group is composed of representatives from INAC Headquarters (EPMRB and program officials).

5. ROLES AND RESPONSIBILITIES

EPMRB is responsible for:

- hiring and managing a consultant(s), if applicable, to assist the Lessons Learned Study team to conduct the Study
- collecting and analyzing information, producing technical reports if warranted, producing a final report
- setting the date and time of meetings (with the agreement of the other members) and setting the agenda;
- ensuring that meetings are run in as efficient a manner as possible and that every member has an opportunity to contribute;
- ensuring that a record of decisions is kept for each meeting, and that it is distributed to Working Group members for comments and revised as appropriate;
- ensuring that tasks that arise out of meetings are assigned to the appropriate member(s); and,
- setting deadlines for the completion of tasks.

Working Group members are responsible for:

- attending meetings in person or on the phone and contributing to the best of their knowledge and abilities;
- obtaining input from others in their respective areas and reporting back on the outcome to the Working Group, as needed;
- briefing the relevant people in their respective areas on the progress of the Study;
- identifying an alternate and briefing this alternate fully in case they cannot attend meetings; and
- completing tasks assigned to them within the agreed time frame.

6. MEETINGS AND DURATION

The Working Group will operate from the time of its composition and initiation of the Lessons Learned Study to its completion. Working Group representatives will meet on an as is required basis to provide input, advice and feedback on:

1. Terms of Reference
2. Other documents that require their input, such as:
 - a. Detailed Methodology Report
 - b. Summary of key findings DECKs
 - c. Lessons Learned Study Preliminary Findings
 - d. Draft Final Lessons Learned Study Report

In reviewing progress documents, it may be sufficient for the EWG to exchange information via email.

7. CONFIDENTIALITY

It is important for all members to ensure that information related to the Lessons Learned Study remains confidential until the final report is approved by the Evaluation, Performance Measurement and Review Committee. This is important in order to facilitate open discussion among members and in order to review the deliverables. It is understood that members may report internally within their sectors with the understanding that they will respect this confidentiality. Members will also respect the confidentiality of protected documents.

Appendix E – List of Documents

Document and File Review		
Document Name	Date	Access
Indian Residential Schools Settlement Agreement in Principle	November 20, 2005	5851788 – CEP Agreement in Principle http://www.residentialschoolsettlement.ca/AIP.pdf
Indian Residential Schools Settlement Agreement	May, 8, 2006	5851828 – IRS Settlement Agreement http://www.residentialschoolsettlement.ca/IRS%20Settlement%20Agreement-%20ENGLISH.pdf
Memorandum of Understanding between AANDC and Human Resources and Skills Development Canada	2006	5851748 – CEP Memorandum of Understanding with- Service Canada
CEP Process Flow Chart – Schedule “L” of the Settlement Agreement	May, 2006	http://www.residentialschoolsettlement.ca/SCCHEDULE_L.pdf
Draft CEP Application form	November 7, 2006	http://www.residentialschoolsettlement.ca/Schedule_%20A-CEPApplication%205-8-06.PDF
Lump Sum Compensation Payments Research Project: the circle rechecks itself (Aboriginal Healing Foundation)	2007	5851771 – Aboriginal Healing Foundation Lump Sum Payment Study http://www.ahf.ca/downloads/newest-lsp.pdf
CEP Process and Validation	February 3, 2007	5851928 – CEP Process and Validation February 2007 http://www.nrssi.ca/Resource_Centre/IndianAffairs/IRSRC_CEP_Process&Validation_Issues_06February2007_wm.pdf
CEP Process and Validation	June 20, 2007	5851910 – CEP Process and Validation June 2007 http://www.nrssi.ca/Resource_Centre/IndianAffairs/IRSRC_CEP_Process&Validation_Document_20June2007_wm.pdf
CEP Process and Assessment	Feb.15,2008	5851707 – CEP Process and Assessment Protocol
Audit of the Advance Payment Program	December 4, 2008	5823084 – Audit of Advance Payment Program http://www.nrssi.ca/Resource_Centre/IndianAffairs/IRSRC_AdvancePaymentProgram_Audit_app-eng_wm.pdf
CEP Organizational Structure	2007-2012	5851755 – CEP and Independent Assessment Process Organizational Governance
CEP and Healing: A qualitative study exploring impacts on recipients (Aboriginal Healing Foundation)	2010	5851769 – Aboriginal Healing Foundation – CEP Impact Study 2010 http://www.ahf.ca/downloads/cep-2010-healing.pdf
Evaluation of the Delivery of the CEP – Evaluation Report (Human Resources and Skills Development Canada)	May 14, 2013	5851760 – HRSDC – Evaluation of CEP Delivery http://www.hrsgc.gc.ca/eng/publications/evaluations/service_canada/2013/september.shtml
Case Studies of Redress and Compensation Settlements Technical Report (Draft from Human Resources and Skills Development Canada)	February 20, 2013	5851688 – HRSDC-CEP Literature Review
Program File Document		CIDM - 5834199

Appendix F - A Map of Indian Residential Schools



Appendix G – CEP and Independent Assessment Process Organizational Governance

CEP/Independent Assessment Process	Roles	Teams	Branch and Directors General						
CEP	CEP – Program coordination, communications, CEP Appeals, Personal Credits	CEP Coordination Unit (National Research Analysis Unit)	Dispute Resolution Operations	CEPR			PPC	SAO	
	CEP – Application decisions, eligibility scope and Section 34 approval	National Research and Analysis (National Research Analysis Unit)	Dispute Resolution Operations	CEPR	CSR	ADMO	PPC	SIMARS	SAO
CEP & Independent Assessment Process	Article 12 eligibility (requests to add new IRS and appeals)	National Research and Analysis (National Research Analysis Unit)							
	New document collecting to support CEP and Independent Assessment Process								
	ATIP and informal privacy requests								
	IRS operating dates								
Truth and Reconciliation Commission doc disclosure									
Independent Assessment									

Independent Assessment Process	Process – Document and data support to Indian Residential Schools Adjudication Secretariat	National Research and Analysis (National Research Analysis Unit)							
	Independent Assessment Process – Research support to Resolution teams (Claimant and Primary Office of Interest reports, narratives, doc redaction)								
	Independent Assessment Process – Represent Canada as party at hearing and compensation payments	Resolution East and West	Dispute Resolution Operations				SAO		
		ADM							
		DM							
		Department	Office of Indian Residential Schools Resolution Canada	Indian and Northern Affairs Canada		INAC			
		Abbreviations							
			CEPR – Common Experience Payment and Research						
			CSR – Corporate Services and Research						
			PPC – Policy, Partnership, and Communications						
			SIMARS – Strategic Integrated Management Accountability Research Services						
			SAO – Settlement Agreement Operations						
			INAC – Indigenous and Northern Affairs Canada						