AN EVALUABILITY ASSESSMENT OF THE CHILD PROTECTION MEDIATION PILOT PROJECT

BY

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A Thesis/Practicum submitted to the Faculty of Graduate Studies of The University of Manitoba in partial fulfillment of the requirements of the degree of

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ABSTRACT

The dynamics that are inherent in mandated child welfare systems require agencies to continuously search for improved and innovative ways to deliver services. To this end Winnipeg Child and Family Services implemented a Child Protection Mediation Pilot Project. The application of mediation to child protection cases is a new model of service for this agency and an evaluation of the program effectiveness has not been conducted. Consequently, an evaluability assessment was done as a front-end analysis to determine the extent to which this program could be evaluated.

The evaluability assessment was done to determine whether or not the program was structured in a manner that would facilitate an evaluation of its effectiveness, and to include an analysis of the evaluation and the feasibility of implementing the required methodology. This was done through the analysis of documents, the conducting of interviews, and determining the feasibility of implementing the required methodologies.

The Child Protection Mediation Pilot Project was deemed unable to support a program evaluation, at this time. Consequently, the evaluability assessment made recommendations to enhancement of the program's evaluability. While the evaluability assessment does not assist in the implementation of the recommendations it does make suggestions as to possible modification or alteration to the program design, implementation, information requirements as well as the feasibility of data collection.

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TABLE OF CONTENTS

ABSTRACT i

ACKNOWLEDGEMENTS ii

LIST OF TABLES viii

LIST OF FIGURES ix

CHAPTER I.

INTRODUCTION & PRACTICUM IMPLEMENTATION

The Rationale for the Practicum 1
Practicum Purpose 2
The Setting 2
Overview of the Process 3
Data Collection 6
Evaluation of the Practicum Intervention and Personal Learning goals 7
- Evaluability Assessment Goal 7
- Evaluability Assessment Objectives 7
- Evaluation of Evaluability Assessment Goals and Objectives 8
- Personal Learning Goal 9
- Personal Learning Objectives 10
- Evaluation of Personal Learning Goal and Objectives 10

CHAPTER II.

LITERATURE REVIEW OF CHILD PROTECTION MEDIATION 11

Dynamic inherent in the Child Protection System 11
Mediation 15
Child Protection Mediation 19
Critique of Child Protection Mediation 25
Summary 27

CHAPTER III.

LITERATURE REVIEW OF PROGRAM EVLAUATION 28

Introduction to Evaluation Research and Social Programs 28
Program Evaluation – Definition and Purpose 31
Evaluation during the Life of a Program 33
Types of Evaluation 36
Stages of Program Development 37

Disenchantment of Program Evaluation 39

CHAPTER IV.

LITERATURE REVIEW OF EVALUABILITY ASSESSMENT 41

Overview of the Evaluability Assessment 41
Program Analysis 45
Preparing a program document model 45
Interviewing personnel 47
Finding out what is really happening 48
Developing an evaluable model 48

Analyzing the Feasibility of Achieving the Evaluator's purpose(s) 49
Purpose(s) of the evaluation 49
Program design and Implementation 50
Information requirements 51
Research design 52
Identifying program components and goals/effects to be studied 53

Enhancing Program Evaluability 54
Conclusion of the Literature Review 54

CHAPTER V.

EVALUABILITY ASSESSMENT - PROGRAM ANAYLSIS
PROGRAM DOCUMENT MODEL
The Rationale for developing Winnipeg Child and Family Services
Child Protection Mediation Pilot Project 57
The Structure 58
Funding 59
The Service Model
Client Population 60
Case Selection Criteria 60
Goals and Objectives of the Child Protection Mediation Pilot Project 63
Referral Process and Mediation Program Activities 65
Mediator Qualifications 67
Considerations Prior to the Mediation Commencing 69
The Mediation Model 71
Summary 73

MANAGERS' PROGRAM MODEL 74
The Rationale for developing Winnipeg Child and Family Services
Child Protection Mediation Pilot Project 74
The Structure 75
Funding 76

The Service Model
Client Population 76
Case Selection Criteria 76
Goals and Objectives of the Child Protection Mediation Pilot Project 76
Referral Process and Mediation Program Activities 82
Mediator Qualifications 83
Considerations prior to then Mediation Commencing 83
The Mediation Model 83

COMMITTEE PROGRAM MODEL 85
The Rationale for developing Winnipeg Child and Family Services Child Protection Mediation Pilot Project 85
The Structure 86
Funding 86
The Service Model
Client Population 86
Case Selection Criteria 86
Goals and Objectives of the Child Protection Mediation Pilot Project 86
Referral Process and Mediation Program Activities 87
Mediator Qualifications 88
Considerations Prior to the Mediation Commencing 88
The Mediation Model 88

Finding out what is really happening 88

FINAL CONSENSUAL EVALUABLE PROGRAM MODEL 92
Why Refer? 93

CHAPTER VI.

EVALUABILITY ASSESSMENT - FEASIBLITY ANALYSIS 96
Program Design 97
Implementation Requirements 103
Purpose of the Evaluation 104
Feasibility of Collecting Data 106
Validity and Reliability Considerations 108
Feasibility of Collecting Valid Reliability Data 109
Summary of Recommendations 111

CHAPTER VIII.

EVALUATION OF THE PRACTICUM INTERVENTION AND PERSONAL LEARNING GOALS 115
Assessing the Achievement of Evaluability Assessment Goal and Objectives 115
Assessing the Effectiveness of the Intervention 118
Feedback from Stakeholders 118

Utilization Enhancement Checklist 119

Assessing the Achievement My Personal Learning Goal 121
Assessing the Achievement of My Personal Learning Objectives 126
Analysis of the Evaluability Assessment 128
Summary 130

EPILOGUE 132

REFERENCES 136

APPENDIXES

APPENDIX A – Utilization Enhancement Checklist 139

APPENDIX B – Final Consensual Evaluable Model 142

APPENDIX C – Feedback Questionnaire 163

List of Tables

Table 1 – Comparison between Mediation and the Legal System 17

Table 2 – Mediation Process 19

Table 3 – Program Documents Model Goals and Objectives 64

Table 4 – Managers' Model Goals and Objectives 80

LIST OF FIGURES

Figure A – Program Document Model Flowchart 65A

Figure B – Program Managers' Model Flowchart 83A

Figure C – Final Consensual Evaluable Model flowchart 154A

CHAPTER I

INTRODUCTION—PRACTICUM PROPOSAL

Rationale for the Practicum

It has come to the attention of the Executive management team at Winnipeg Child and Family Services (WCFS) that the application of mediation to child protection cases, has been met with a great deal of success in other provinces of this country. Consequently, the decision was made to create a Child Protection Mediation Pilot Project here in Winnipeg. To bring this to reality, the Child Protection Mediation Pilot Project Committee was structured on December 21, 2000. The primary purpose of this committee was to gather information from other currently successful mediation projects in Canada and implement a model into WCFS.

After the committee had the opportunity to review the available material, it was confirmed that the application of mediation to child protection cases had met with success in other areas of the country. However, the committee members are keenly aware that mandated service delivery systems differ greatly across jurisdictional boundaries. Consequently, the evaluation findings of established programs in other jurisdictions could not be directly applied to Winnipeg. Therefore, it is incumbent upon WCFS' Child Protection Mediation Committee to have its pilot project evaluated, to determine if success can be replicated. The desired result of conducting an evaluation would be to determine whether or not the Child Protection Mediation Program met its intended goals and objectives and to insure that the chances of successful delivery of services are maximized. To meet this end an evaluability assessment is required.

Practicum Purpose

This practicum involved the evaluability assessment of Winnipeg Child and Family Services' Child Protection Mediation Pilot Program. The tool that was used to this assessment was Rutman's (1980&1984) Evaluability Assessment model. The primary purpose of this evaluability assessment was to do a front-end analysis to determine the manner and extent to which the Child Protection Mediation Pilot Project could be evaluated. Through the analysis of documents, the conducting of interviews, and determining the feasibility of implementing the methodologies, the evaluability assessment is done to sort out aspects of the pilot project which could be evaluated from those which require special attention to enhance their "evaluability" (Rutman, 1980).

The Setting

The applied setting for practicum was at *Winnipeg Child and Family Services* in The Services to Children in Families Program. As of December 21, 2000 the agency had embarked upon the implementation of a *Child Protection Mediation Pilot Project.* The initial act of the pilot project was to strike a committee to develop the Child Protection Mediation Program. As the pilot project was not yet fully implemented and was considered to be in the operational stage, it met the criteria for an innovative program. Therefore, an evaluability assessment appeared to be appropriate.

It should be noted that at the time this evaluability assessment commenced the agency had already started using mediation and accessing the funding. However, prior to this practicum the program had not been delineated nor had referral criteria been established

or implemented. Consequently, the cases that actually proceeded through mediation may not have met the selection criteria, which in turn would effect whether or not the mediation outcome was successful. Consequently, aggregating the data that was collected before the evaluability assessment began with the data that will be collected after the program was formalized, would possibly skew the results.

Overview of the Process

According to Rutman (1980 & 1984) the first stage in the evaluation process is to identify the primary intended users of the evaluation. This is to be done by identifying the key stakeholders of the Child Protection Mediation Pilot Project. Stakeholders are defined as "people who have a stake—a vested interest—in evaluation findings" Patton (1986). Determining the intended users of this evaluation is a crucial step to ensuring that the program design conforms to the expectations of those who have the greatest influence over and involvement in the program. Considering this, stakeholders at the government or director level, executive management level, program manager level, direct service providers, as well as the committee members were identified and included. Through the use of group meetings or individual interviews each stakeholder had an opportunity to participate in the evaluation.

The next stage, according to Rutman (1980 & 1984), was to determine the purpose of the evaluation. There are several reasons why evaluations may be conducted. One such reason is the demand for accountability in programs to demonstrate their worth in order for it to continue to receive legislative, financial, and public support. Another reason a

program may be evaluated is to provide the management perspective by serving as a tool to modify services and delivery mechanisms in order to increase their effectiveness. Program evaluations can be used to produce knowledge that may or may not be of immediate use by decision makers but may be utilized for future program innovations.

The third stage in Rutman's (1980 & 1984) model is planning the evaluation or completing an evaluability assessment. The factors that affect program evaluability are grouped under two major areas of concerns program characteristics and the feasibility of implementing the required methodology. In order to establish what the characteristic and methodologies are a two-phase process, which includes a program analysis followed by a feasibility analysis are completed. There are four tasks involved at the program analysis stage: (1.) Developing a program document model; (2.) Developing a program managers model; (3.) Venturing into the field to find out what is really happening; and (4.) Creating a consensual evaluable program model.

The first task of the program analysis was to develop a program document model. Given that Winnipeg was adopting a mediation program model that was already established in other Agencies, the program document model needed to be developed utilizing information gathered not only from within our agency and the committee, but from programs that are currently running in other provinces. This information was combined with the program documentation that was available to date at Winnipeg Child and Family Services.

The second task of the program analysis was to present the program document model to stakeholders who have a vested interest in the evaluation of the program. This is primarily done to "fill the gaps" in the program document model and to ensure that it is an accurate depiction of the program. Given the specific circumstance of this program, the step-by-step guidelines were altered in order to meet the needs of this particular program. As stated by Rutman (1980), evaluation planners need to be flexible in the use of the prescribed steps and alternative approaches may better suit the style and the circumstance within each evaluability assessment that is conducted. Bearing this in mind and given the special circumstances of this program, an additional step was required. This was primarily due to the fact the stakeholders who were seeking the evaluation of the Mediation Pilot Project, had different vested interests in the program, therefore, require different information from the evaluation. Consequently, it was necessary to create a program model for both the Executive Management Team and for the Mediation Committee. In this particular evaluability assessment, all stakeholders were interviewed either individually or in a group setting. The interviews at the Management level included the Director of Family Services and the Executive Director of Winnipeg Child and Family Services (however, due to the recent resignation of Lance Barber this may be subject to change). Once the point of view of these stakeholders was determined, the information was utilized to create a Program Manager's Model. Both models were then shown to members of the Child Protection Mediation Pilot Project Committee for feedback. This information was subsequently utilized to develop a Committee Program Model.

The third task of the program analysis was to find out what is really happening in the field. This was done to confirm information found in the analysis of the documents and to determine the program "realities". Once this was completed the final task was to aggregate all the information that was accumulated and contrive a consensual or evaluable model.

The information gathered in the program analysis stage of the evaluability assessment was utilized to determine which program components would be evaluated. Upon completion of collecting the information it was essential to determine the purpose of the evaluation, so that methodological requirements could be established. The feasibility analysis was then completed to determine the extent to which the methodological requirement could be met, given the numerous constraints that arose.

Upon completion of all of the above noted stages and inherent tasks, the information was then utilized to formulate recommendations which would enhance the evaluability of the Child Protection Mediation Pilot Project.

Data Collection

The data methods that were utilized during the course of this practicum were; the review of program documentation, interviewing management and committee members, and the collection or data from the field. (The interviews that were done were individual and group interviews).

The above noted steps, as outlined by Rutman (1980), were utilized as a guideline for conducting an evaluability assessment. However, it should be mentioned that the unique circumstances and situations of each evaluability assessment should be considered when utilizing the guidelines. As stated by Rutman himself in 1980, evaluation planners are encouraged to be flexible in the use of the prescribed steps and to develop alternative approaches that may better suit their style and circumstances (p. 88).

Evaluation of the Practicum Intervention and Personal Learning Goals

The evaluation of the practicum was accomplished utilizing a twofold process, which was to evaluate: (1.) the extent to which the evaluability assessment objectives were achieved and assess the effectiveness of the intervention; and (2.) To determine the extent to which I have met my personal learning objectives.

Evaluability Assessment Goal

The evaluability assessment served as my practicum. The goal was summarized as follows: *To get agreement on realistic measurable program objectives, agreement on appropriate program performance indicators, and to agree on intended use of program performance information before a full scale evaluation is done (Rutman, 1980)*

Evaluability Assessment Objectives

I developed seven evaluability assessment objectives based on the above stated evaluability assessment goal. The objectives were to be completed utilizing a two stage process: the program analysis stage and the feasibility analysis stage

The first stage was to conduct a program analysis of the Child Protection Mediation Pilot Project which included the following objectives:

1.) To accumulate, articulate, and review all of the program information and literature available and then to create a program documents model and flowchart.

2.) To identify primary stakeholders and conduct interviews which would result in the creation of a Program Managers Model and an Advisory Committee Model.

3.) To venture into the field to determine what was actually happening for family service workers.

4.) To aggregate the models and develop a Consensual Evaluable Model.

The second stage was to conduct a feasibility analysis of the Child Protection Mediation Pilot Project which included the following objectives:

1.) To analyze the program design and implementation.

2.) To determine the purpose of the evaluation and the information needs of those who authorize it.

3.) To make recommendation of enhance the evaluability of the Child Protection Mediation Pilot Project.

Evaluation of Evaluability Assessment Goals and Objectives

There were basically three ways in which I evaluated whether or not I had achieved the evaluability assessment goal and objectives. First was the successful completion of all the above stated objectives which, would ultimately indicate that I had achieved the broader evaluability assessment goal. Secondly, I administered a feedback questionnaire

to all the key stakeholders that were identified and interviewed. The questionnaires were designed to elicit feedback on my performance as an evaluator.

Thirdly, my performance as an evaluator will be measured by completing the Utilization Enhancement Checklist (Brown & Braskamp, 1980). **Please See Appendix A**. The checklist is a measurement tool that focuses on the evaluator's understanding of the organizational context, the planning and evaluation, the evaluation process and communication. The Utilization Enhancement Checklist was completed two times during the course of the evaluability assessment. The first time it was completed was after the program analysis stage and then again upon the completion of the feasibility analysis. These timelines were designed in such way as to afford me the opportunity to review the products if the program analysis stage and then complete the checklist. The checklist was again administered after I had the opportunity to see the products of the remainder of the evaluability assessment. Progress was to be demonstrated by an increase in score.

Personal Learning Goal

The personal learning goal that I had set for myself was as follows: *to develop an in-depth understanding of and obtain hands on experience in conducting an evaluability assessment.*

Personal Learning Objectives

I developed four personal learning objectives based on the above stated goal and they were as follows:

1. To learn the history of program evaluation
2. To develop skills in areas such as data gathering, analysis, and good written communication.
3. To learn how to complete a comprehensive evaluability assessment which included:

- The Development of a program document model
- The development of a program manager's model
- The development of an evaluable consensual program model
- To conduct a feasibility analysis

4. To conduct productive and informative interviews.

Evaluation of Personal Learning Goal and Objectives

My personal learning goal and objectives were to be evaluated in three ways. First, the successful completion of the above listed personal learning objectives must occur. If all four of the objectives were successfully completed it would ultimately indicate that I had achieved my broader personal learning goal. Secondly, I utilized the transcripts of the interviews to review my skills an interviewer. Thirdly, I tracked my personal learning by way of a journal. In this journal I kept a detailed log of my activities, my observations, my opinions, and the different experiences that I encountered while conducting the evaluability assessment.

CHAPTER II

LITERATURE REVIEW OF CHILD PROTECTION MEDIATION

The following chapter provides a review of literature, which assisted in establishing the context for an evaluability assessment on Winnipeg Child and Family Services' Child Protection Mediation pilot project. The first section of the literature reviewed focuses on the dynamics of the child protection system and identifies an alternative means in which cases may be resolved. The second section provides a broad definition of mediation as well as a brief explanation of the core theories and characteristic of the mediation process and it application to social conflict. The final section of this chapter provides a brief review of the existing literature specific to child protection mediation.

Dynamics of Child Protection

Parents, in the Province of Manitoba, and throughout Canada are deemed to have the skills and competence that is necessary to raise their children. It is only when parenting falls below the standard of care which society deems is appropriate, that the state, through the offices of the Child and Family Services, intervenes in the lives of families (Wildgoose & Maresca, 1993). When parenting falls below the minimal standard, which is acceptable by society, an intervention to secure children from abuse and neglect is required (Barsky, 1995, Carruthers, 1997, Wildgoose &Maresca, 1993). Although each family and their situation is unique, the type and the degree of intervention which can be imposed upon families is carefully regulated by the law, as it is set out in Manitoba's *Child and Family Services Act* (The Act). It is in accordance with this Act, that a

mandated Child and Family Service representative investigate reports that indicate that a child may be in need of protective services. According to The Child and Family Services Act, services must be delivered with the underlying declaration that families and children have the right to the least interference with their affairs to the extent compatible with the best interests of children and the responsibilities of society.

Providing services to families and their children under such a declaration can be very challenging and at times impossible given the inherent nature of child protection services. As Mayer (1984) questioned, how can social workers intervene in family situations in such a way as to protect the child, preserve the integrity of the family and minimize the encroachment of the state? Although the safety of children is a paramount concern for the majority of Canadians, when it becomes realized that the state has the right to question one's ability to parent, interventions are seen by some as offensive, unethical, and intrusive. The idea of "saving" children from abuse and neglect is much more glamorous then the actual dynamics involved when delivering services to the children and those who abuse them.

When families initially become involved with a mandated child and family service agency, the first dynamic that they will become aware of is the power imbalance that exists between their social worker and themselves (Barsky, 1996). As noted above, many families are resistant to child protection workers because they feel that their power and self-respect as parents is being challenged (Mayer, 1984). The initial intrusion of the agency, along with the understanding that the child protection worker has the authority to

remove children from their families', further emphasizes the lack of control the client has over his/her own life and children. The power imbalance that is associated with the child protection worker's authority (whether the child is removed or not) causes increased fear for the client. It is perceived by the client, that failure to cooperate with the agency "voluntarily" means that they may be subject to the sanctioning powers of the child protection worker (Barsky, 1995p. 13). This power imbalance is realized to an even greater extent when one considers that, according to Maidman (1984) within the child protection client population, there is an over representation of families from backgrounds of poverty and other socially disadvantaged populations (cited in Barsky, 1995 p. 13). Consequently, when families disagree with the agency involvement, it is extremely difficult for them to take a stand or fight against the agency. This coupled with their lack of financial resources lends to their disempowerment.

What happens when parents disagree with Child and Family Services' level and type of intervention? Historically, the only recourse in the Province of Manitoba has been within the court system. Once a child protection case has been thrust into the adjudicative system, there are a number of negative ramifications.

First, the nature of the relationship between the social worker and the family often changes (Maresca, 1994). The legal process finds its impetus in the adversarial model, which pits parents against the agency. Parents are encouraged, by their lawyers to view the agency as the enemy that must be beaten, thereby making it difficult for them to resume a relationship with their social worker, whether they win or lose the child

protection case. At the same time workers have been pushed out of their helping roles, when lawyers advise clients not to communicate with the worker (Palmer, 1989). The social worker, who originally began to work with the family to be a helping professional, is propelled into the role of an investigator who is responsible to build a case and bear witness against his or her client (Maresca. 1994). Unfortunately this case building and investigation requires a great deal of time and energy, which could otherwise be spent helping children and their families. According to statistics compiled by Bruce Rivers, Executive Director of the Children's Aid Society of Metropolitan Toronto, a social worker is able to spend only thirty five percent of his or her time on actual delivery of services to clients. The remaining sixty-five per cent is spent on administrative and/or court related tasks (Wildgoose & Maresca 1994).

Another potential negative impact that the legal system has upon child protection cases is the length of time that is required to adjudicate a case. The court process is often slow and cumbersome. Frequent adjournments are commonplace and applications often take months, and at times years, before the courts find that children are in need of protection. This can cause extra trauma for the child, by extending their time in care and subsequently opening the door for bonding. After excessive time lapses the children who bond to their foster families are then torn out of their foster homes and replaced with their parents. This lends to confusion and instability in the children (Maresca, 1994).

An alternative to the legal arena that has been applied to child protection cases and has met with some success is mediation. As stated by Wildgoose and Maresca (1993),

Mediation, as a voluntary process of dispute resolution involving the parties and the neutral, impartial mediator can re-vitalize and restructure the communications between the parties. The mediation process is non-coercive and seeks to build communication rather than inhibit it. It creates a problem solving structure, which places the family and the social worker on the same team, rather than as opponents. The mediator encourages the parties to identify and articulate their needs and interests, as opposed to pitting parties as adversaries. In addition, given that there are no legal counsel involved in the mediation process and scheduling with courts, lawyers and judges is not an issue, the process is significantly expedited.

Mediation

Mediation is a form of alternative dispute resolution (ADR). The search for alternatives to dispute resolution has arisen in the past 20 years out of concerns with court congestion, excessive litigation times, and rising legal costs (Carruthers, 1996). Mediation has become a very popular and workable solution in dealing with these issues in the Canada Judicial System. Consequently, mediation has become a "tool" to resolve social conflicts in court-affiliated programs and also in the private sector (Carruthers, 1996).

The Canadian Dispute Resolution Corporation (2000), defines mediation as "an intervention into a dispute or negotiation of an acceptable, impartial, and neutral third party who has no authoritative decision making power to assist contending parties to voluntarily reach their own mutually acceptable settlement of issues in a dispute (p.1).

As stated by Barsky (1995), mediation is a relatively new approach to dispute resolution. However, the mediator role has existed through out history in a variety of forms. Mediation is said to be a natural way in which people can deal with problems. Historically friends, neighbors, parents and other family members have taken on the role as a mediator on an informal basis (p. 1). Notwithstanding these deep-seated historical roots the concept of mediation, as an institutionalized alternative to court and other social systems is relatively new (Barsky 1995).

Prior to mediation being introduced as an alternative to the adjudicative system, litigants often found themselves in a system in which there is always a win-lose outcome. Alternatively, when mediation is utilized both parties often create a workable satisfying resolution to the dispute; this is a win-win outcome. As demonstrated by Jessie Dye, (1983) in Table 1, mediation compares favorably to the legal system.

Table 1. Comparison between Mediation and the Legal System

Law	Mediation
Win-lose outcome Positions of the parties are adversarial	Win-win outcome Positions of the parties are cooperative
Requires extensive, expensive training and knowledge of esoteric language and systems (expert-based)	Requires common sense and some training in dispute resolution (lay-person based)
Follows principles established sometimes hundreds of years ago in different setting, outcome based on precedent	Works with what is reasonable to the parties in this situation, outcome base on fairness and reality-testing
Very expensive, from $50-$100/hour per side	Usually free with volunteer mediators; private mediators run from $50-75/hour for both parties.
Prohibits conversation between the primary stakeholders to the dispute (lawyer-lawyer only)	Requires conversation between the parties
Encourages distorting information to make other party wrong, "characterizing facts"	Encourages truth-telling, reality-testing, recognizes that there is truth on both sides
Tends to reinforce already existing power structure	Tends to Equalize the power between the parties, promotes justice
Often destroys possibility of any future relationship between parties, foster alienation	Encourages on-going relationships of the parties, builds community
Frequently takes years to resolve a dispute	Resolves disputes in weeks if not days
Is costly to the taxpayer – court time costs about $500/hour for administrative expenses.	Is relatively cheap using available space and generally volunteer mediators
Decisions made by others	Solutions found by the parties

(DYE, 1983)

The first court based family mediation service occurred in 1961, at the Los Angeles County Conciliation Court. (Landau, Mesbur & Batolleto, 1987). Since this time there has been a rapid growth of mediation in fields as diverse as commercial disputes, labor

conflicts, environmental disputes, victim-offender reconciliation and family law (Barsky & Trocme, 1998; Carruthers, 1996). The most popular area, in which mediation has gained the highest degree of recognition, has been in that of family law. This is mainly due to the fact that mediation emphasizes communication and cooperation and establishes solid relationships between participants that result in an effective agreement being supported by all parties (Carruthers, 1996). When these tools which are inherent in the mediation process are utilized, divorce, child custody, and access issues are often resolved successfully without having to proceed to a legal hearing.

Although the concept of mediation has spread through out different legal arenas, there does not seem to be consensus that any one particular model of mediation is applicable to all. This is primarily due to the fact that the context, in which each of these models is implemented, differs greatly. Each has their own type of issues, incentives, legal mandates, power dynamics, and potential pitfalls. (Barsky 1995). For the purpose of this practicum the model of mediation that will be reviewed is that which is currently be utilized in the child protection system in some provinces.

The basic theoretical underpinning of mediation, as it applies to child protection, is to provide an alternative to the legal system, and to "encourage parties to communicate with each other openly and fully, it offers psychological satisfaction not available in the limited 'testimony' allowed in court" (Dye, 1983, p. 147). The mediation model, which is most frequently utilized by child protection agencies in Canada, is based on that which is used by the British Columbia Justice Institute and is summarized in Table 2.

Table 2. Mediation Process

Stage I **Mediation Intake** • Appropriateness • Risk assessment • Explain mediation • Assess readiness • Agreement to mediate
Stage II **Generate the Agenda** • Background • Legal status • Parent's needs • Workers' needs/bottom line • Identify agenda issues
Stage III **Explore the issues** • Explore interest Concerns Needs • Establish common ground
Stage IV **Develop an Agreement** • Options for each issue • Evaluate/reality test • Write Agreement **Follow up to Mediation** • To carry out terms • To refine • To consider new issues • Evaluate

(Savoury, Beals, Parks, 1995, Carruthers, 1997).

Child Protection Mediation

As mediation became an acceptable and viable option in other areas of social conflict, the interest of its application to child protection cases increased. The first real attempts at

delineating mediation and child protection dates back to the middle of the 1980's (Mayer, 1984; Palmer, 1989; Barsky, 1995). Child protection mediation pilot projects were being developed in the United States and after some measures of success, some provincial governments began to take interest. By 1990, some provinces within Canada began to draft mediation into their legislation, policies and procedures.

The *Child and Family Services Act* (1990) of Saskatchewan contains a section of their legislation, which allowed a mediator to become involved in the child protection cases, however, it was not widely utilized. In the early 1990's Ontario and British Columbia, also made changes to their legislation, which allowed mediation to be used as a viable tool when delivering child protection services. Nova Scotia's *Child and Family Services Act*, which was proclaimed in 1991, also implemented provisions for the use of mediation in child protection cases. Unfortunately this program did not become operationalized until the middle of the 1990's (McHale, 1996).

After reviewing the literature, which has been published in the area of child protection mediation, it has been determined that the majority of it involves program description, with some limited reporting of evaluations. As Barsky (1995), points out, interpreting the accumulated information presents a number of problems:

- Child protection contexts vary from one jurisdiction to another;
- The models of mediation employed in various jurisdictions also vary; and

- Methodologies used in many of the studies are not rigorous (e.g.: small sample size, absence of random sampling, absence of random sampling, control groups or matching for comparisons) (p. 29).

The most widely published literature on this topic originates out of the Children's Aid Society of Metropolitan Toronto (CAS), pilot project which took place from 1990-1992 (Barsky, 1995). The impetus of this pilot project was to address the length of time required to litigate these cases, which was primarily due to increasing legal complexity of child protection cases. The concerning factor was that most cases were taking too long in the adversarial arena and were not meeting the needs of the participants, but particularly for the children (Maresca, 1995). This along with the following goals were what the CAS mediation pilot project hoped to address:

1.) Realignment of conflict resolution. Mediation serves to realign the adversarial approach to conflict resolution. The goal of the process is to empower parents (and children, if appropriate) to work out solutions with their social workers, leading to greater compliance with planned intervention. These consensual solutions are more durable than orders imposed by the court.

2.) Promotion of competency through healthier role models. The mediation process encourages healthier family role models, which might contribute to the reintegration of the family. During mediation, with its emphasis on an equal say for all the parties, each person is looked upon as someone with something to contribute.

3.) Earlier resolution of the Child Protection disputes. The adversarial system is characterized by long delays, which leave children in limbo and are traumatic and confusing for them. Further, these delays entail some risk to the children's emotional wellbeing as they establish bonds with foster parents or others from whom they must separate. Mediation on the other hand, with less lawyer involvement and flexible hours, can accelerate the time frame for dispute resolution.

4.) Better working relationships between social workers and families. By taking the dispute out of the adversarial arena, social workers and parents are able to again meet as cooperative players rather than and adversaries.

(Wildgoose & Maresca, 1993, p. 3)

In CAS' pilot project, mediation was utilized as a means of diverting cases from court. Consequently, one of the criteria for referral of case was that the case was otherwise headed for judicial proceedings. In a report by Maresca (1992), the researchers for the pilot project arrived at the following conclusions:

1.) The mediation process, as conducted in the project, is a cost-effective method of resolving disputes. A conservative estimate from the CAS legal services department indicates that a contested case costs the Agency between $1500.00 to $1800.00, strictly for lawyer time. This does not include worker time, the costs of running a courtroom, judge's time, Legal Aid costs etc. The average cost of the mediations conducted was $710.44, with the most expensive costing $1190.00 (also not including the worker's time etc.).

2.) The mediation process is a timely way to resolve child protection disputes...Of Eight cases that were referred to mediation workers estimated that they spent between 17% and 50%of the time that it would have been spent in court had the matter not been resolved in mediation. In addition it was determined that once a referral was made to mediation, the process only took between one and three months to complete.

3.) Mediated solution yields durable agreements. In each of the cases in which resolution was reached in mediation (7), there was full compliance with the terms of the agreement, and in at least one case CAS was able to close the file.

4.) There is general user satisfaction with the mediation process. The majority of clients felt that they were heard fairly, and that they were able to actively participate in the process. Most felt that the agreement reached was a fair one, and could be followed.

5.) The impact of the mediation process on the individuals involved is dramatic. The assumption of personal, direct responsibility for one's own actions, and for the ultimate outcome of the case can be frightening, intimidating, exhilarating, threatening, liberating and empowering (p. 2-3)

In CAS' pilot project 22 cases were considered appropriate for mediation. Of these 22 cases 11 proceeded into mediation. The remaining cases were dispersed due to client's refusal to participate in mediation, agreement reached between worker and the client or planning changes resulting in stronger interventions. Of the 11 cases remaining the CAS society reports that 80% of the cases were settled and did not need to proceed to court.

It should be noted that there were criteria for referral to the CAS Mediation project. The following was provided as the general guidelines that were to be utilized in selecting cases for the referral to the project:

1.) The immediate physical safety of the child was assured.

2.) The case was already before the courts or enroute to intervention through judicial proceedings.

3.) The parents were competent to negotiate for themselves. (Parents unable to represent their interests because of developmental disabilities, mental illness, or substance based cognitive impairment were not offered mediation).

4.) All participation was voluntary.

5.) Parent was not facing criminal charges related to or impacting on his/her ability to parent (Maresca, 1992, p.7).

Examples of the issues that could be included in the mediation projects were as follows:

- Parent – teen conflict
- Supervision of teenage parenting
- Failure to thrive/physical neglect
- Sexual abuse/physical abuse
- Emotional and educational neglect
- Discipline practices
- Child placement/access
- Standards of parenting

(Maresca, 1992, p.7).

In addition, CAS also provided a list of issues that would disqualify cases from being

referred to the mediation project. They included cases such as:

1.) Where family violence is so severe that at least one party is not capable of negotiating due to intimidation.

2.) Where a party is so mentally handicapped or emotionally impaired that he/she is unable to understand the process or to negotiate so as to make her/ his interests known.

3.) Where a party suffers from an uncontrolled substance abuse problem.

4.) Where an assessment of the family is ongoing.

5.) Where there are outstanding criminal charges relating to the issues to be mediated.

6.) Where one party refuses to participate in the mediation.

Critique of Child Protection Mediation

According to McNeilly, (1997) some have argued that mediation may be appropriate in labor disputes, land settlement claims, or environmental negotiations, but not in family matters or child protection issues. He contends that those who question the use of mediation have argued that custody mediation compromises the interests of battered women and their children. Further McNeilly states that feminist scholars and advocates for battered women have also found that mediation of custody issues poses more risks to battered women and child that it offers benefits. The appropriateness of utilizing mediation in situations where there are power imbalances has also been questioned because mediation has failed to correct this issue.

Other concerns from feminist analysis focus on gender-related issues, which occur in inter-spousal disputes. It is felt that these issues also are applicable to child protection mediation. Fineman (1988) and Girdner (1990), (cited in Barsky, 1995), stated the following criticisms:

1.) Mediation fails to punish or provide retribution for socially unacceptable behavior.

2.) Mediation cannot ensure full disclosure of information.

3.) Given that mediation is generally a more private forum than the public court system, it is difficult to monitor for mediator bias or for the use of coercive mediation techniques.

4.) Mediated agreements often depend upon voluntary compliance, but some situations require mandatory enforcement mechanisms; and

5.) Mediation can result in outcomes that are based upon the relative bargaining power of the parties rather than what is 'fair" or "right" in the situation (p. 31).

Other concerns that have arisen with the application of mediation to child protection are that mediation does not properly safeguard children from neglect and abuse. The concern is that mediation encourages compromise and child welfare is not something to be bargained away. It addition, critics state that mediation does not adequately protect parent's right to procedural justice and express concern that parents will enter into mediation with a power imbalance (Barsky, 1995). Another concern that is expressed by child protection mediation critics is that mediation is merely a duplicate of settlement efforts that have already been made at various stages of the child protection process.

Summary

The dynamics that are inherent in the child protection system cause a great deal of disenchantment for families involved in the system as well as for the family service workers that are employed within it. Concerns such as power imbalance, conflictual adversarial relationships between the worker and families, and the extreme length of time required to adjudicate cases continue to impact negatively on the child welfare system. In response to these challenges new and innovative ways of dealing with these issues continue to be sought. To this end, mediation and its success as an alternative dispute resolution tool to resolve social conflicts in court affiliated cases as well as in the private sector, has been applied to child protection cases.

The application of mediation has been met with some success in dealing with these troublesome dynamics. Other provinces have implemented mediation as a tool and have determined that the power imbalance decreased, the worker client relationship improved, and that cases were being resolved in a dramatically quicker fashion. Notwithstanding this success, there still appear to be some questions as to the appropriateness of the use of mediation in child protection cases. Issues that accompany mediation such as failure to provide punitive consequence for socially unacceptable behavior, lack of full disclosure, lack of mandatory enforcement, fairness, and the question of safeguarding the children from neglect and abuse are all outstanding for the critics of child protection mediation.

CHAPTER III

LITERATURE REVIEW OF PROGRAM EVALUATION METHODS

The following chapter will provide a literature review of program evaluation. The first section of the literature review will serve as an introduction to program evaluation and social programs. A brief history of program evaluation and an explanation of the conflicting paradigms are provided. Also included will be a discussion about the complexities that accompany evaluation research practice as it is applied to social programs. The second section of this chapter will provide a definition of program evaluation and its purpose. The third section will describe the different stages of program development and the related evaluation functions. The final section will discuss the disenchantment that has surfaced with respect to program evaluation.

Introduction to Evaluation Research and Social Program

"We are in an age when elected officials, the media and the public have become much more demanding about accountability and receiving quality services in return for tax dollars and donations to private foundations". (Wholey, Hatry & Newcomer, 1994, p.1) Consequently, over the last several decades the demand for feedback and evaluation of social programs has steadily increased. In order to provide the necessary information as to whether a program is meeting its intended purpose, a systematic application of social research methodologies, also known as evaluation research is done.

Evaluation research is directed at collecting, analyzing and interpreting information on the need for implementing effective and efficient interventions to better the lot of humankind (Freeman & Ross, 1989, Rutman, 1980, Wholey et al., 1994).

Essentially evaluation research emerged from the general acceptance of scientific methods as a means of dealing with social problems in society. Although, there is evidence of evaluation activities as far back as the 17th century, the wide spread application of systematic data based evaluation is a relatively modern development (Rossi & Freeman, 1989; Rossi & Freeman, 1999; Wholey et al., 1994). Commitment to the systematic evaluation began prior to WWI at which time it was primarily utilized in the fields of education and public health.

According to Freeman (in Ross & Freeman, 1989) by 1930, a significant number of social scientists were advocating the application of rigorous social research methods to the assessment of community action programs, and evaluations were implement more frequently. However, the real "BOOM" period for evaluation research happened after WWII. This was the beginning of large-scale social programming, which required major expenditure commitments by governments. Consequently, there was a large demand for "knowledge of results" by both government and taxpayers.

By the 1960's literature on evaluation practice grew and evaluation research had become a "growth industry" (Ross & Freeman, 1985; Ross & Freeman, 1993). Donald Campbell (in Rossi & Freeman, 1989) wrote the most influential piece of literature in the evaluation

field in 1969. According to Campbell (in Ross & Freeman, 1989) policy and program decisions should emerge from the continual testing of ways to improve the social condition and that social change efforts of the society should be rooted in social experimentation. He states that the community and the nation, if not the world, should be seen as a laboratory for social experiments. He contends that the technology of social research makes it feasible to implement social experimentation in all aspects of the community. Campbell supports and advocates the Scientific Paradigm experimental model in evaluation research. This model encompasses the use of experimental methods, standardized data collection, large samples and the provision of scientific, technical data. (Brownlee, 1995, p.24-25).

This viewpoint has been challenged by another giant in the evaluation field Lee Cronbach (in Ross & Freeman, 1989; Rossi & Freeman Lipsey, 1999). Lee Cronbach holds a more pragmatic view on evaluation and argues that the purpose and intent of evaluations differentiate from scientific investigations. He believes evaluation to be an art and every evaluation represents an idiosyncratic effort to meet the needs of program sponsor and stakeholders. Thus, whereas scientific studies strive to meet a set of research standards set by the research peers, evaluations need to be designed and implemented in ways that recognize the policy and program interests of the sponsor and stakeholders. Cronbach believes that evaluation will yield maximally useful information for decision-makers to give attention to the available resources, political circumstances and program constraints (Rossi & Freeman, 1989).

This disputed viewpoint as to whether evaluations should be "scientific" or "pragmatic" is accompanied by other complexities of evaluations research practice. Perhaps the most challenging aspect of applying social research procedures to the study of social programs is the inherent requirement that evaluators do their work in a continually changing milieu. Rossi & Freeman, (1993) indicate a number of features of social intervention evaluations, which are associated with the highly volatile character of individual programs. (1.) The resource, priorities and relative influences of sponsors of social programs frequently change; (2.) The interests and influence of the various stakeholders may change; (3.) Priorities and responsibilities of the organizations and agencies implementing programs can change significantly; (4.) Unanticipated problems with delivering the intervention itself may require modifying the program and evaluation plan; (5.) Partial findings from the evaluation may produce information that the intervention is failing to produce the intended outcomes; (6.) Unanticipated problems may occur in implementing the evaluation design.

Whether a researcher takes the lead from Campbell's scientific perspective or Cronbach's view of evaluation as an art, social research procedures must be used to secure all information that is required. In doing so each researcher will experience, to some degree, the volatility and complexity of applying evaluation research procedures to social programs.

Program Evaluation Definition & Purpose

Rossi & Freeman (1989) define evaluation research as the systemic application of social research procedures for assessing the conceptualization, design, implementation and utility of social intervention programs (p.18). In other words, they state that evaluation researchers use social research methodologies to judge and improve the ways in which human services, policies and programs are conducted. This can be done from the earliest stages of defining and designing programs, right through to the development and implementation (Rossi & Freeman, 1989).

According to Gabor, Unrau and Grinnell (1998) social service providers have never been under greater pressure. They contend that the public's confidence is eroding and that they are calling for social workers to become more accountable and the very rationale of the profession is being called into question. He further states that social work has entered an era in which only the best social service programs, which can demonstrate they provide needed, useful and competent services for our clients, will survive. Consequently, there is a continual need to look for new ways to make services, which are offered to clients, more responsive, more effective and more efficient. (Gabor et al 1998; Rutman 1980; Rossi & Freeman 1989). Therefore, it is vital to continually monitor, adjust and provide quality improvement evaluations at both the practitioners' level and program level.

The most challenging aspect of evaluation is that there is no "one size fits all" approach (Rossi, Freeman, & Lipsey, 1999). Rossi et al (1999) contend that every evaluation has

its own unique profile of characteristics and the evaluation design must involve an interplay between the nature of the evaluation situation and the evaluation's repertoire of approaches, techniques and concepts.

The purpose of evaluations also varies greatly from one situation to another. The evaluator determines the purpose of the evaluation by establishing who wants the evaluation, what they want and why they want it. Chelmisky (in Rossi et al, 1999) states that although the details will vary greatly, evaluations are done for one or more of the following broad reasons; (1.) Program improvement; (2.) Accountability; (3.) Knowledge generation; (4) Political ruse of public relations. The scope of each evaluation will be influenced by the specific reason/s for which it is being conducted. The way an evaluation asks questions and the research procedures utilized depend on the reasons for the evaluation and the developmental stage of the program.

Evaluation during the Life of a Program

The life of a social program can be thought of as a developmental progression in which different questions are issues at different stages. Therefore, different evaluation approaches must be applied to answer those questions (Rossi et al, 1999). This means that every evaluation must be tailored to the program. The tasks that an evaluator undertakes differ depending on the stage of activity at which they are brought in and the needs and interests of the stakeholders. The stages of program development may be found by locating the programs on a continuum with poles at innovative programs and

established programs, with those in need of refinement or modification lying somewhere in between (Rossi & Freeman, 1993; Rossi & Freeman 1989;Brownlee, 1995).

When new or innovative programs are initiated, evaluations are often requested to examine the social needs the program should address, the program design and objectives, the definition of its target populations, the expected outcomes and the means by which it assumes those outcomes can be attained. These are especially relevant during the planning phase when the basic design is being formulated and changes can be made easily (Rossi et al, 1999). Evaluations of new programs, which are expected to address questions of impact and efficiency, should not be undertaken until a program has had the opportunity to be fully implemented. The reason for this is that, some new programs have taken up to a year to establish facilities, acquire and train staff, make contact with desired target populations, and to develop its service to the desired level. Newly developed programs can build in evaluation research in ways that provide feedback information to the program and its stakeholder, for the purpose of redirection (Rossi et al, 1999). Suchman (in Brownlee, 1995), considered this to by exploratory research with the main objective being to learn enough to be able to move ahead and develop a program, which can then be evaluated in a more systemic way.

As stated in Rossi and Freeman (1985), an innovative program is defined as a program that has not been subject to implementation and assessment in the following ways: (1.) The intervention itself is still emerging or is in the research and development phase; (2.) The delivery system or parts of it have not been adequately tested; (3.) The targets of the program are markedly new or expanded; (4.) The program originally undertaken in

response to one goal is continued or expanded because of its impact on another objective. Therefore, the expanded or revised program may also be considered to fall within the innovative program category.

Once a program is underway, it is very important to do a fine-tuning evaluation to determine variations in the ways the program operates. "The major reason to do so is to improve either their efficacy or their efficiency-that is, to increase their impact or to decrease their costs per unit of impact" (Rossi & Freeman, 1989). Other reasons for conducting a fine-tuning evaluation are to provide equitable service delivery and to reduce dropouts from the target population. "It should be emphasized that there is no clear-cut dividing point between innovative and fine-tuning or modification efforts. Sometimes the changes being tested are minor and clearly modificatory. Other times, however, they are costly and may have broad ramifications for human service networks" (Rossi & Freeman, 1989, p. 56).

Although evaluating innovative programs is very important, a far greater amount of effort will be required when assessing established programs. Evaluating established programs obligates the evaluator to be cognizant of the social and political history of the program. In doing so they will be well versed in the long-standing ameliorative efforts and fundamental changes. These evaluations are directed towards such issues as coverage, effective service delivery, and the impact efficiency of those services. Other reasons for evaluating established programs may be that the program itself has been called into question or program sponsors are dissatisfied with intervention results.

Types of Program Evaluations

According to Gabor et al., (1998) there are five types of evaluations that can be utilized for the above stated reasons. The first type of program evaluation is *a needs assessment.* This is an assessment that is undertaken by an evaluator to verify that a social problem exists within a specific client population. The needs assessment will expose the extent of the problem and determine if there is a warranted need for the implementation of a program. A needs assessment is usually undertaken prior to the inception of a program.

The second type of evaluation is that of an *evaluability assessment.* This evaluation can be used to develop a program model to solve the social problem believed to exist as evidence by the needs assessment. An evaluability assessment can also be used after a program is developed but before it is evaluated. This evaluation will determine if program goals, objectives, and activities are stated in sufficiently clear and explicit terms to enable an evaluation to take place. The third type of evaluation is that of an *assessment outcome* evaluation. This type of evaluation is concerned with changes in needs, problems, or strengths relating to service recipients. In short, assessment outcomes are conducted to determine to what degree the program is meeting it's overall objectives.

The fourth type of evaluation is an *efficiency assessment.* This is done to determine what type of time and resources are required to achieve successful outcomes. Upon completion of this evaluation, determinations as to whether there is a way to reduce costs and time, without decreasing the effectiveness of the program can be made. Finally, the

last type of evaluation is a process evaluation. This type of evaluation is concerned with determining the sequence of activities a program undertakes to achieve its objectives, and attempts to answer question as to why a program is or is not effective.

Clearly as stated above there is not "one" type of evaluation that fits all programs. There are a number of factors that an evaluator must take into account prior to engaging in evaluation tasks. Not only will the evaluator have to consider the purpose of the evaluation; they also must take into account the developmental stage a program is at, at the point at which the evaluation is undertaken. The following is a brief description of the different stages of program development.

Stages of Program Development

According to Herman, Morris and Fitz-Gibbon (1987) there are four phases of program development, each requiring different evaluation methods. The four phases described are not inviolate or separate; they often overlap and some programs skip certain phases entirely. The first phase of program development is that of program initiation. During this phase "sponsors, managers, and planners consider the goals they hope to accomplish through program activities and identify the needs and/or problems that a program is supposed to redress" (Herman et al., 1987, p. 12). At this stage of program development the most appropriate type of evaluation is a needs assessment.

The second phase of a program is its planning phase. Ideally, a program is designed to meet the high priority goals as established in the needs assessment. "During this phase,

controlled pilot testing and market testing can be used to assess the effectiveness and feasibility of alternative methods of addressing primary needs and goals" (Herman et al., 1987, p. 13).

The third phase of program implementation may occur as it is being installed. This phase will usually occur during the first year of the new program. During this time the program's sponsor's should have the opportunity to give the new program a chance to iron out mistakes, solve problems, and reach a point where it is running smoothly. Also during this phase of the program staff try to operationalize it to suit their particular setting. The evaluations that are conducting during this phase of program development need to provide formative information, "which describes how the program is operating and ways to improve it" (Herman et al., 1987, p. 13).

According to Herman et al., (1987), the final stage of program development is program accountability. When a program becomes established with a permanent budget and an organizational niche, it may be time to question its overall effectiveness and impact. This may result in judgements about whether or not to continue to the program, decisions as to whether or not expand it, and whether or not to recommend the program for use in other locales. During this phase, evaluations need to provide summative information. This means that data about the program are collected and a summary report is written to show what the program looks like, what it has achieved, and what implication and recommendations may be derived for improving future efforts and/or informing public policy.

Disenchantment of Program Evaluation

Despite the popularity of program evaluation, the literature states that some disenchantment has surfaced (Rutman, 1980). There are a number of factors that have caused concern, some of which are: methodological weakness of studies, nonutilization, and misuse of evaluations, are cited as a few. These problems are discussed below.

The methodological rigor of evaluations of social programs has been criticized by some as being weak. Bernstein and Greeman (in Rutman, 1980), concluded that half the studies that measured impact were deficient either in design, sampling, or validity. In addition they found that program stakeholders often attacked evaluators in defense of their program, and attempts were made to discredit the evaluation. It was this concern over methodological weakness that contributed to the questions raised as to the usefulness of program evaluation.

The non-utilization of findings also raised disenchantment, when it was recognized that evaluation findings had not made a major contribution to the budgetary process, policy decisions, or program development. Consequently, this led to serious questioning about the need for large and expensive studies. In addition, it was determined that regardless of technical rigor, relevance, timely, and properly communicated finding there were major obstacles for the utilization of findings. Organizations tended to resist change and strong public acceptance of some programs impacted upon the decisions as to whether or not the finding would be utilized. "To merely state the obvious, evaluation findings are only one

input into the decision making process, and the other factors-professional, bureaucratic, and political often outweighs empirical evidence." (Rutman, 1980, p.33).

The misuse of evaluations was also cited as a reason for disenchantment. Suchman, (in Rutman, 1980) identified five misuses of evaluations and they are as follows: (1.) "eye washing"- an attempt to justify a weak or bad program by deliberately selecting only those aspects that "look good" on the surface; (2.) "whitewash"- efforts to cover up program failure by having subjective appraisals; (3.) "submarine"- the use of evaluation to purposefully destroy a program, regardless of its effectiveness; (4.) "posture"- an attempt to use evaluation as a gesture of objectivity or professionalism; and (5.) "postponement"- delay of immediate action by pretending to wait foe the facts (p.33-34).

All of the cited problems were often due to the failure to consider whether an evaluation could meet its objectives. According to Rutman (1980), this was a result of premature of evaluations, which were often conducted on programs that were not really amenable to impact or effectiveness studies. Consequently, the evaluability assessment was expanded upon to determine whether a relevant and technically feasible study could be conducted to achieve the purposes of the evaluations. This was done through the analysis of documents and conducting of interviews, to sort out those aspects of the program, upon which evaluations could be conducted from those that required special attention to enhance their "evaluability" (Rutman, 1980, p. 35).

CHAPTER 1V

LITERATURE REVIEW OF EVALUABILITY ASSESSMENT

The following chapter is a review of the literature on evaluability assessment. It provides a brief overview of the origin of the evaluability assessment procedure and describes factors that affect it. In the second section a brief explanation of the first stage of the evaluability assessment, the program analysis stage, is provided. This is followed by a delineation of the second stage of the evaluability assessment, which is that of the feasibility analysis. The final section provides a discussion as to how to enhance program evaluability, and elaborates on the issues related to the use of the evaluability assessment for the evaluation planning.

Overview of Evaluability Assessment

There are many issues facing the field of program evaluation. These range from the technical question of research methodologies to the broad sociopolitical factors, all of which affect the planning, the conducting and the utilization of evaluations (Rutman, 1980). As best stated by Weiss (cited in Rossi & Freeman, 1989),

> The sins of the program are often visited on the evaluation. When programs are well conceptualized and developed with clearly defined goals and consistent methods of work the lot of evaluations relatively easy. But when programs are disorganized beset with disruption, ineffectively designed, or poorly managed, the evaluations fall heir to the problems of the setting.

The failure to address the shortcomings of a program design and implementation, prior to conducting the program evaluation, will limit the usefulness of the study's findings. A logical solution to such problems seems to be the application of exploratory and

formative research, which would be done to facilitate program development to address program problems (Rutman, 1980). *Formative evaluations*, as defined by Wholey et al., (1994), is an evaluation that focuses on data collection from pilot project situations and recipients while developing an intervention to obtain feedback about the feasibility of the proposed activities and their fit with intended settings and recipients (p. 48). This logic served as the impetus for Joseph Wholey and his colleagues, at *The Urban Institute* to develop a procedure called the evaluability assessment, in the 1970's.

Wholey (in Wholey, Hatrey, & Newcomer, 1994) states that planning evaluations intended to improve program performance begins by identifying the program goals, objectives, and performance indicators by which a program will be evaluated; and by identifying the data sources to be used for the measurement comparisons, and analysis that will required. At this point, Wholey contends that four problems typically surface: (1.) evaluator and intended users fail to agree on goals, objectives, side effects, and performance criteria to be used in evaluating programs; (2.) program goals and objectives are found to be unrealistic given the resources that have been committed to them and the program activities that are under way; (3.) relevant information about program performance are often not available; and (4.) administrators at the policy or operating level are unable or unwilling to change the program on the basis of evaluation information (p. 15). Wholey argues that these four problems, which plague many public and private programs, can be reduced and often overcome by utilizing the qualitative evaluation process, evaluability assessment.

Although, Joseph Wholey originally created the first phase of the evaluability assessment, in 1979, Leonard Rutman (1980) expanded it. Rutman, developed and modified the evaluability assessment for planning useful evaluations, and created a step-by-step instruction as to how to implement an evaluability assessment. For the purpose of this practicum Rutman's (1980), step-by-step instructions will be used as a guideline for doing an evaluability assessment.

Initially, the original focus of the evaluability assessment was to examine the program structure and to determine whether or not the program was structured in a manner that would facilitate an evaluation of it effectiveness. Later, the scope of the evaluability assessment was enlarged to include an analysis of the purpose of the evaluation and feasibility of implementing the required methodology (Rutman, 1980). Rutman, (1980, 1984), believed that doing this kind of analysis can prevent many of the pitfalls of program evaluation. It further assists by identifying and resolving the constraints that limit the implementation of required research methodology, during the planning of the evaluation. Consequently, he found it only logical to undertake an analysis of purpose and feasibility as a follow-up to the assessment of program characteristics.

While Rutman, (1980; 1984) describes specific steps to follow when doing an evaluability assessment, room was left for modification and adaptation of the procedure to suit particular circumstances. He contends that paying attention to the issues affecting the evaluability of programs is more important than the mechanics of carrying out the

prescribed steps. Therefore, the steps of the evaluability assessment are to be used as a guide rather than to serve as a checklist.

The factors that affect program evaluability can be grouped under two major areas of concern: program characteristics and the feasibility of implementing the required methodology. An understanding of these factors that affect program evaluability is necessary for carrying out the evaluability assessment. The specific steps of the evaluability assessment procedure are designed in such a way as to identify these factors and determine their implication for the program evaluation.

The first factor that must be taken into account is that of the characteristics of the program that is being evaluated. This is done by, determining the extent to which the program is structured to make it amendable to an evaluation of its effectiveness. The desired outcome is to identify those program components and goals/effect that should be considered for inclusion in the evaluation. The following list of questions is central: Is the program (or its components) clearly defined and capable of being implemented in the prescribed manner? Are the goals and effects clearly specified? Can the program realistically achieve the specified goals or produce the anticipated effects? Procedures for analyzing the program to answer these questions include reviews of the program documents, interviews, and collecting information in the field.

The second factor that affects the evaluability assessment is concerned with determining the feasibility of conducting an evaluation to meet the study's purposes. The important

questions include: What is the purpose of the evaluation? What are the methodological requirements? Can the program be designed and implemented to meet evaluation requirements? Is there an acceptable methodology that can be used for the study? What limitations and restrictions are placed on the study by the various constraints – financial, political, legal, ethical, and administrative? The feasibility analysis is done to identify those aspects of the program that can be appropriately and reasonably measured in an effective evaluation

Program Analysis

Program analysis as described by Rutman (1980), is done "to identify program components that are well defined, can be implemented in a prescribed manner, and clearly specified goals and effects that are plausible (p.87). Analysis of program characteristics begins with the examination of documents, and a flow model is developed which depicts the program's structure. The next step is to conduct interviews with persons whose understanding of the program is considered important for the development of the evaluation design. Their viewpoints are also described using flow models. This information is then supplemented by the collection of data in the field, to describe the operation of the program, its clientele, and the effects that the program appears to produce (Rutman, 1980; 1984; 1985, Rossi & Freeman 1989; 1993; Wholly et al, 1994).

Preparing a program document model

The evaluation's first task is to prepare a model of the program and to delineate how it is depicted in the formal program documents. This model will gather information from

proposals, published brochures, administrative manuals, staff working papers and other relevant materials. The purpose of composing a program document model is to inform the analysts of the nature of the program. The document should reflect an accurate picture of information gathered and should not include the evaluator's views (Rutman, 1980; 1984; Rossi & Freeman, 1993).

The other reason for analyzing program documents is to secure an honest depiction of the program to the various constituencies that have an interest in it. This is accomplished by determining formal commitments made to programs, which body legislates the existence of funds the programs, and commitments to clients and general public.

The evaluation begins by identifying and listing all of the program components and goals/effects. Program components are described as activities that directly impact on the clients of the social programs and are expected to produce the stated goals/effects. Next, the evaluator is to prepare a flow chart. This chart illustrates program components and indicates casual linkages to goals and effects. This information is drawn from the documents that were reviewed.

The developmental program document model facilitates the conducting of interviews with the relevant stakeholders. This stage will enable the evaluator to determine poorly defined goals, effects, gaps and conflicts. Questions pertaining to all these issues are formulated so that they can be posed to the relevant stakeholders.

Interviewing personnel

According to Rutman (1980), the evaluator interviews personnel to determine the perceptions of the stakeholders. Several considerations guide the evaluator in selecting persons to be interviewed. These are: the characteristics of the program, the extent to which it is felt that the person has an understanding of the program, and the possible contribution of the interview to the assessment, and the availability of time and resources.

The wording of the questions posed can be determined according to the situation of the person being interviewed. The important thing is that all issues are covered. The interview starts by the evaluator explaining the evaluability assessment procedure and the purpose for conducting the interviews, as well as the interviewee's importance to the procedure. The evaluator then illustrates and explains the program document model to the interviewee and explains how it was developed. The question is posed as to whether the program document depicts an accurate description of the program.

It is then the analyst's responsibility to determine the interviewee's view of the program. To secure this information the following questions (or variation of them) are asked: (1.) Are any program components missing?; (2.) How do each of the components operate?; (3.) Are any goals and effects missing in the program documents model?; (4.) What is the meaning of each goal and effect?; (5.) Are there competing or conflicting goals?; and (6.) Are the casual linkages plausible? Once the questions have been answered the analyst prepares a new program managers' model from the new information gathered. The new model is then presented to the interviewee to confirm accuracy.

Finding out what is really happening

In order for the analyst to determine what is really happening in the program, it may be necessary to collect data in the field. This is to confirm information, which was not evident through the analysis of documents or interviews. This venture into the field is not done for the purpose of the evaluation assessment. It is only to secure a better understanding of the program. The following questions should be considered: How is the program implemented?; and Who is served by the program?

The venture into the field primarily focuses on the type of information that is needed rather than on the methods of collecting it. After discovering the program "realities" in the field the evaluator may develop another flow chart (Rutman, 1980).

Developing an evaluable model

The purpose of reviewing documents, conducting interviews and collecting information in the field leads to the identification of program components and goals and effects that should be considered for inclusion in an evaluation study. When developing the evaluable model, the analyst must be mindful that all three preconditions are met – i.e. (1.) program components are well defined and can be implemented in the prescribed manner; (2.) goals and effects are clearly specified; and (3.) casual linkages are plausible. A flow chart of the evaluable model is developed (Rutman, 1980).

Analyzing the Feasibility of Achieving the Evaluation's Purpose

According to Rutman (1980), once the program analysis is complete it is necessary to determine which program components will actually be examined. This can be done by exploring the purpose of the evaluation, the information needs of those who authorize and/or fund it, and by discovering the major focus and nature of the evaluation. "It is the purpose of the evaluation that establishes the methodological requirements. The feasibility analysis aims to determine the extent to which the methodological requirements can be met, given the numerous constraints that inevitably arise" (p.123). Doing a purpose and feasibility analysis is important because it provides information about whether or not a particular type of evaluation should or should not be completed.

Purpose(s) of the evaluation

When undertaking a feasibility analysis a number of issues should be considered. The following is a list of questions that may be posed in regard to the feasibility of implementing various tasks. The aim of these questions and explanations is to provide guidance for doing a feasibility assessment rather than criteria for judging whether or not to launch an evaluation. Suggested questions are as follows: (1.) Who are the potential users?; (2.) What are the various purposes for conducting evaluations of program effectiveness?; and (3.) What are the information needs of the primary user? (Rutman, 1980).

Program design & implementation

As already mentioned in this chapter, design and implementation of a program is important in order to draw conclusions about the effectiveness of particular program components carried out in a prescribed way. Now information must be gathered as to the feasibility of implementation of methodology.

In accordance with Rutman's guide (1980), this is done through seeking the answers to the following questions: (1.) Is the program designed so that the evaluation can attribute the findings to particular program components?; (2.) To what extent can the program be implemented in a prescribed manner?; and (3.) To what extent can research requirements be incorporated by the program.

The next issue that must be considered is the constraints, which affect program design and implementation requirements. There are many constraints that limit the extent to which a program can be designed and implemented to meet all evaluation requirements. However, these constraints must be addressed to determine the feasibility of meeting the evaluation requirements. There are a number of constraints that affect feasibility of evaluations, some examples are: program structure, cost, political constraints and legal issues. Once the analyst has determined the purpose of the evaluations and is able to consider the program design and implementation, the next step is to collect information.

Information Requirements

The first task for the evaluator is to determine the type and volume of information needed to meet the purpose of the evaluation. Once this information is collected, consideration can be given to the various means of obtaining this data. The sources and the collection procedures utilized must be assessed for their ability to produce valid and reliable information. The feasibility of meeting data requirements is decided by examining the cost and the limitations imposed by such constraints as political, legal, ethical and administrative factors. There are four types of information the evaluation is expected to produce. These can be broken down into four categories: (1.) programming; (2.) goals and effects; (3.) antecedent conditions; and (4.) intervening variables.

Rutman (1980), states that regardless of the information collected the validity and reliability of the data are major issues because of their impact on the findings. The following is a brief discussion as to how validity and reliability issues might arise, questions to determine these issues and the factors that affect the feasibility of implementing valid and reliable measurement.

A valid instrument is defined as an instrument that measures what it purports to measure. The following questions identify the issues that must be addressed to determine the extent to which validity can be achieved: (1.) How adequate is the definition of the concept being measured?; (2.) Is the measurement procedure relevant for the program goal?; (3.) To what extent are the proposed measurement procedures likely to affect validity of data?; and (4.) How will non-response be handled?

Rutman (1980), indicates the next issue that needs to be explored is the reliability of the information collected. Reliability refers to the consistency and stability of the measure. The aim is to utilize data collection and processing procedures that minimize error. Factors that may lead to unreliable data collection include: (1.) respondents mood, fatigue or motivation; (2) interviewers personal characteristics; (3.) conditions under which information is being collected; (4.) faults with the measurement instrument; and (5.) problems coding data is mechanical error.

Once validity and reliability are considered the analyst must turn his/her attention to the factors affecting the feasibility of collecting valid and reliable data. This must be done before the study is launched and provides information as to how readily measurement procedures can be implemented at the desired level of validity and reliability. This can be done by seeking answers to the following questions; (1.) To what extent will potential factors undermine efforts to implement valid and reliable measures?; (2.) Are there major obstacles in obtaining the necessary data?; (3.) What are the cost implications for obtaining required information?; and (4.) To what extent can the evaluation exercise provide sufficient control over the data collection, to help ensure the collection of valid and reliable data?

Research Design

Rutman suggests the next task in conducting the feasibility analysis is concerned with the feasibility of implementing research designs that provide the basis for attributing the

measured results to the program, and generalizing the findings to other persons, institutions, situations, places, and times. This can be accomplished by answering the following questions: (1.) How will eligibility for participation in the program be determined?; (2.) Will there be control groups?; (3.) How will control groups be established?; (4.) What will be the timing and frequency of data collected?; and (5.) How will the data be analyzed?.

Identifying program components and goals/effects to be studied

The feasibility analysis is undertaken to determine which program components and goals/effects will be included in a particular evaluation. The scope of the evaluation would depend upon the findings that are available. Often times many aspects are considered to be expensive to study, while others are considered not worthwhile. Once information priorities have been established in relation to available funds, the evaluator will be able to determine which program components and goals/effects can be included and which will be excluded.

The feasibility analysis will assist in determining goals/effects that can be tested for their effectiveness according to the purpose for conducting the study, the standards of " acceptable" methodology, and the degree of willingness to make compromises in light of cost and other constraints. Consequently, the issues outlined above can serve as a guide for sorting out the various facts that impact on the feasibility of implementing an evaluation on particular program components and goals.

Enhancing Program Evaluability

The third stage of the evaluability assessment is to determine "what can be done to enhance the evaluability of a program-i.e., to make it possible to examine other program components and goals/effects and/or to implement more rigorous research methodology?" (Rutman, 1980, p. 163). To enhance the evaluability of programs, many review strategies can be utilized. They include: (1.) analyzing problems; (2.) specifying outcomes; (3.) assessing program design and implementation; and (4.) conducting formative studies. In doing this program review often it is recognized that changes may be required. Program design and delivery may need to be altered, goals and effects modified, and constrains removed. A plan needs to be established with the program staff and other stakeholders "to strengthen the evaluability potential of program components not currently amenable to evaluation, and an approach for subsequently building them into the evaluation effort" (Rossi and Freeman, (1982, p. 77).

Conclusion of Literature Review

The dynamics that are inherent in the child protection system cause a great deal of disenchantment for both families involved in the system and social workers that work with in the system. Concerns such as the power imbalance, the conflictual adversarial relationship between the worker and families, and the extreme length of time required to adjudicate cases, have left *Winnipeg Child and Family Service's* Management Team eager to find new and innovative techniques to assist in dealing with these issues. The application of mediation has had some success in dealing with these troublesome dynamics. Other provinces have applied mediation to child protection cases and have

determined the power imbalance decreased, the worker client relationship improved, and cases were being resolved in a dramatically quicker fashion. Consequently, with this success Winnipeg Child and Family Services has decided to create a Mediation Pilot Project in an attempt to replicate these successes. The most widely published literature regarding child protection mediation originated from The Child's Aid Society (CAS) of Metropolitan Toronto. In 1990-1992 CAS conducted a Mediation Pilot Project, which was met with a great deal of success and was later implemented as an ongoing program. It is the program description and information published by CAS that will form the basis of the Winnipeg Child and Family Services Mediation Pilot Project.

Not unlike most social programs, The Child Protection Mediation Pilot Project will have to provide quality services to clients, will have to ensure the program meets its intended purpose, and will held accountable to demonstrate program outcomes to those that are providing the funding for this project. Consequently, an evaluation will be required and the Committee will need to ensure that the implementation of this program will correspond to the program definitions and objectives. They want to be sure that the implementation and planning of the program, is done in a way that it will create a favorable climate for the evaluation at the end of the pilot project. Given this, and with the realization that Winnipeg and Family Services Child Protection Mediation Pilot Project can be considered an innovative program, in that it has not yet been implemented and assessed, the most logical type evaluation to be conducted is an evaluability assessment.

When conducting an evaluation, decisions have to be made with regard to the approach that will be used. Scientific evaluators believe that social research procedures must be used to obtain some or all of the information that is collected. Conversely, pragmatic evaluators believe that evaluation is an art and they hold the position that experience in studying a particular social problem area, intuition, and needs of the sponsors and stakeholders should be the impetus of their work. The approach that will be used in this evaluability assessment could be found some where between scientific approach and the pragmatic approach. The evaluability assessment will take into account the needs and the requirements of the stakeholders while also attempting to meet some of the requirements of a scientific investigation. Rutman's (1980), step-by-step guide to evaluability assessment can be considered both a scientific evaluation tool, and given that alterations and flexibility that will by applied to ensure invested stakeholders needs are met, it could also be considered pragmatic.

The evaluability assessment paves the way for evaluations to be much more effective, relevant and useful. As stated by Kellburg (1990), with the involvement of committed stakeholders an evaluable program can be made available. This includes clearly defined program components, specified measurable goals/effects, and plausible causal linkages. The purpose of the evaluation, as well as the methodology, and priorities of the evaluation will be laid out in a clear, collaborative, useful and relevant plan. It is hoped that upon the completion of this practicum, the evaluability assessment will assist The Child Protection Mediation Pilot Project Committee in creating a program that is well defined, with clearly specified goal, and effects that have plausible causal linkages.

CHAPTER V

EVALUABILITY ASSESSMENT--PROGRAM ANALYSIS

Program Document Model

The Rationale for Developing Winnipeg Child and Family Services' Child Protection Mediation Pilot Project

Winnipeg Child and Family Services is aware that parents, in the Province of Manitoba, and throughout Canada are deemed to have the skills and competence that is necessary to raise their children. It is only when parenting falls below the standard of care which society deems is appropriate, that the state, through the offices of Child and Family Services, intervenes in the lives of families (Wildgoose & Maresca, 1993). When parenting falls below the minimal standard, which is acceptable by society, an intervention to secure children from abuse and neglect is required (Barsky, 1995, Carruthers, 1997, Wildgoose & Maresca, 1993).

Although each family and their situation is unique, the type and the degree of intervention which can be imposed upon families is carefully regulated by the law, as it is set out in Manitoba's *Child and Family Services Act* (The Act). It is in accordance with this Act, that a mandated Child and Family Service representative investigate reports that indicate that a child may be in need of protective services. According *to The Child and Family Services Act*, services must be delivered with the underlying declaration that families and children have the right to the least interference with their affairs to the extent compatible with the best interests of children and the responsibilities of society.

Providing services to families and their children under such a declaration can pose many challenges and at times seem impossible given the inherent nature of child protection services.

The rationale for the project is premised on the belief that when the mediation process is applied to child protection cases, a more effective and empowering resolution is reached in a shorter time period, with less expense. Mediation, is a voluntary process of dispute resolution involving the parties and, a neutral impartial mediator, which re-vitalizes and restructures the communications between the family service worker and their client (Wildgoose & Maresca 1993). The mediation process is non-coercive and seeks to build communication rather than inhibit it. It creates a problem solving structure that places the family and the family service worker on the same team, rather than as opponents. The mediator encourages the parties to identify and articulate their needs and interests, as opposed to pitting parties as adversaries. Considering that legal counsel is absent in the mediation process, scheduling with courts, lawyers and judges is not an issue. Consequently, the problem solving and communication building process is significantly expedited.

The Structure

In recognition of the inherent challenges in providing services to children and their families, Winnipeg Child and Family Services took the initiative to create a Child Protection Mediation Pilot Project. To bring the project to fruition an Advisory Committee was structured on December 21, 2000. The primary purpose of the committee

was to gather literature and information from other currently successful mediation projects in Canada, and to create and implement a model into Winnipeg Child and Family Services.

Originally, the pilot project had an advisory committee that was made up of a number of members that included representation from the Family Services and Housing, Child Protection Support Branch (the Directorate), Winnipeg Child and Family Services executive management, management, legal team, as well as frontline protection workers. Unfortunately, due to the changing milieu within the child welfare system in Manitoba, the actual members of the committee have changed significantly. However, there is representation from each of the above noted areas.

Funding

The Child Protection Mediation Pilot Project received funding from the Directorate on April 26, 2001. This was reflected in a letter was sent to Mr. Lance Barber, the former Chief Executive Officer of Winnipeg Child and Family Services, advising that $50, 000.00 had been allocated to the agency to spend during the 2001/02 fiscal year. It is also noted that any additional future funding would be directly dependent upon the success or failure of the mediation program.

The Service Model

Client Population

The client population that is targeted for the Child Protection Mediation Pilot Project is cases which fall within the Services to Families and Children Program of Winnipeg Child and Family Services. This included only cases that have proceeded through the Crisis Screening and Intake Units, and have been referred for ongoing family service. This means that only cases that are open to the agency and are considered to have legitimate ongoing child protection concerns, as outlined by the Child and Family Services Act, will be considered for the mediation project.

Case Selection Criteria

Once the committee had an opportunity to review the literature published by other existing child protection mediation programs, an agreement was reached to extrapolate case selection criteria from an already existing successful program model. The following case criteria information was borrowed from the literature produced by the Toronto Child Protection Mediation Program, which was created and introduced by June Wildgoose and Joan Maresca (1993). This model states that prior to a case being referred to the Child Protection Mediation Pilot Project certain case selection criteria must be considered. They are listed as follows:

1.) The immediate physical safety of the child/children must be assured. (This is documented to be the most important criteria. If the child is in care at the point of the referral then the case may be referred to mediation. However, if the child is not in care, the child's safety must first be assessed and assure prior to a referral.)

2.) The case must be already before the courts or is en route to the adjudicative arena.

3.) All parties must be able to comprehend the process and participate fully. Parties that suffer from severe psychological/psychiatric issues, extreme behavioral issues, severe substance abuse or cognitive impairment would be unable to participate in the process.

4.) All participation must be voluntary, and participants must be motivated to preserve the relationship with their child or their family unit.

5.) All parties must agree that not dealing with the conflict/issue is unacceptable.

6.) No participant that is involved in the mediation can hold the balance of power. (If there is a history of family violence within the case that is referred, it must be assured that all parties are capable of negotiating without intimidation. Prior to the case being referred to the mediation project, the family service worker must assess whether there is ongoing domestic violence between the parties, which is done by using information gathered from the client as well as other community resources. The mediator at the point of referral again assesses this issue.)

7.) At the onset of the mediation process all issues to be mediated must be clearly identified and understood by all participants.

8.) All alternatives to mediation need to be considered including apprehension. Prior to the mediation commencing all parties must be aware if an apprehension will result if the mediation process is unsuccessful.

In addition to the case selection criteria listed above Maresca and Wildgoose (1993), have also identified a number of issues that disqualify cases from being referred to the mediation project. Based on best practice and the theoretical underpinning of mediation, the committee agreed that the following disqualification issues must also be adopted and adhered to by the Child Protection Mediation Pilot Project.

The disqualifying criteria are as follows:

1.) Where family violence is so severe that at least one party is not capable of negotiating due to intimidation.

2.) Where a party is so mentally handicapped, emotionally impaired that they are unable to understand the process or to negotiate so as to make their interests known.

3.) Where a party suffers from an uncontrolled substance abuse problem that renders them unable to negotiate.

4.) Where an assessment of the family is ongoing.

5.) Where there are outstanding criminal charges relating to or impacting on their ability to parent.

6.) Where one party refuses to participate.

Aside from the above stated criteria there does not appear to be any specific demographic information that would disqualify a case from being referred to the mediation program. Issues such as age, economic situations, sex and ethnic origin do not appear to be factors that interfere with the potential for a case to be forwarded to the mediation program.

Goals and Objectives of the Child Protection Mediation Pilot Project

The goals and objectives for the Child Protection Mediation Pilot Project were derived from the information and literature gathered by the advisory committee. Although the goals of the program were again borrowed from the literature published by the Toronto Mediation Program, the objectives had to be drawn out of the drafts and literature gathered by the committee, then adapted to meet the jurisdictional and legislative requirements of the CFS Act.

Table 3. Program Documents Model Goals and Objectives

Goals	Objectives
1.0 realign conflict resolution	1.1 To provide a continuum of service to families. 1.2 To decrease the conflict between clients and the agency 1.3 To increase the opportunity for communication of interested parties 1.4 To reduce the interlocutory battles that emerge in the court proceedings.

2.0 Empower clients and promote competence	2.1 To increase the opportunity for all parties to articulate their interests. 2.2 To increase the opportunity for equality of all parties. 2.3 To increase the opportunity to include extended family and/or advocacy systems. 2.4 To increase the opportunity for clients to articulate and participate in resolving the issues confronting them and their children. 2.5 To increase the effectiveness and efficiency of case planning for families and their children. 2.6 To increase the compliance to resolutions reached. 2.7 To improve problem solving skills for clients.

3.0 Earlier resolution of child protection cases	3.1 To reduce the number of court appearances in cases. 3.2 To decrease the number of trials. 3.3 To reduce the legal costs associated with increased court appearances and/or trials. 3.4 To reduce the costs associated with placing and maintaining children in care, while awaiting case resolutions. 3.5 To reduce the length of time children spend in apprehension status and in temporary care. 3.6 To reduce the cost associated with the number of days in care for children protection services. 3.7 Redirection of resources from courts to client related services.

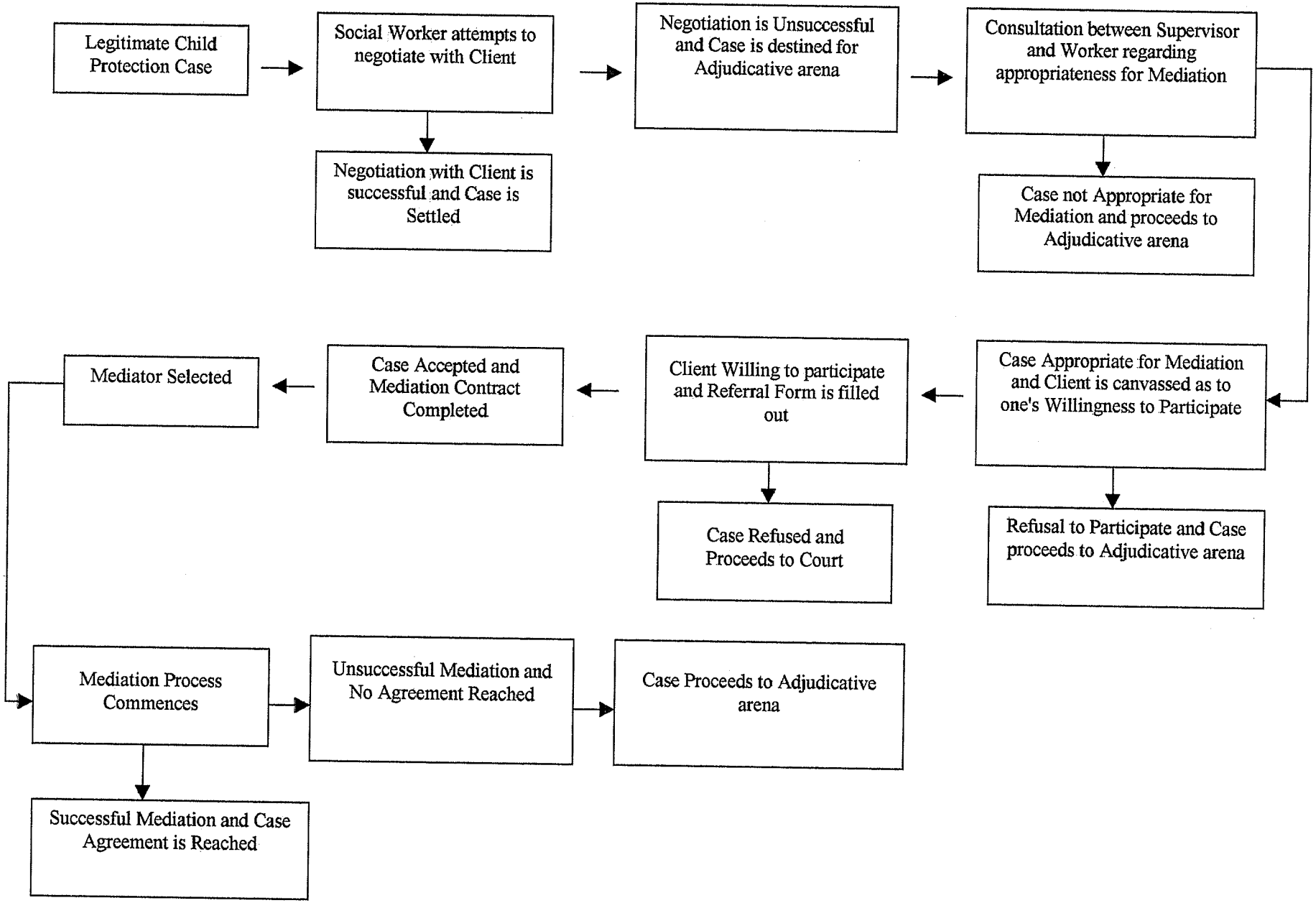
4.0 Improve working relationships between family service workers and families.	4.1 To increase the opportunity for family service workers and clients to work co-operatively, instead of working as adversaries. 4.2 To increase honesty and trust by client. 4.3 To improve parent/child relationships. 4.4 To decrease the need for future protective services. 4.5 To increase compliance to ensure child safety.
5.0 Reduce the workload of family service workers.	5.1 To reduce the time required to prepare for court proceedings. 5.2 To reduce the time required preparing for court appearances and/or trials. 5.3 To increase the amount of time family service workers spend providing direct client services. 5.4 To increase the amount of time family service workers have to do family assessment and make appropriate referrals to other needed resources for clients.

Referral Process and Mediation Program Activities

The following information regarding the components of the mediation program was drawn from documents produced by Child Protection Mediation Committee members. The information was then amalgamated into a flow chart, (please see Figure 1, p. 65A)

The referrals have been identified as coming from the Family Service Division of Winnipeg Child and Family Services. The referral process is delineated as follows: Once the case is deemed to have legitimate child protection concerns the family service worker

Child Protection Mediation Program Flowchart



attempts to negotiate a treatment plan with the client. If the negotiation is unsuccessful, the family service worker and the supervisor may identify the case as suitable for the mediation project. The mediation option is presented to the clients to ascertain whether all parties are willing to voluntarily participate in the mediation process. If any member of the family refuses to voluntarily take part in the mediation, the referral process is void and the case continues into the adjudicative system. However, should a family agree to participate in the mediation project, the referral form is completed by the family service worker and signed off by a supervisor.

The referral forms are then sent to the current Program manager, who will in turn re-assess the case to ensure it meets the necessary criteria. If upon re-assessment it is determined that the case does not meet the required criteria, the supervisor/worker are notified and the case will be directed into the adjudicative arena. However, should a case meet all required criteria, it is approved.

A list of all approved mediators is then sent to the supervisor and worker. The worker then meets with the client, at which time a mediator is chosen and agreed to by both parties. The worker then contacts the mediator and the mediation process begins.

If no agreement is reached as a result of the mediation process, the case is then redirected back to the adjudicative arena. However, should all parties reach an agreement, the mediation is considered to be successful. The terms of the agreement are then provided

to each of the participants for review. The client is encouraged to review the agreement with a lawyer or other relevant parties. The family service worker consults with the supervisor to ensure that the agreement is acceptable. After this is complete the parties return to the mediation session to either "sign off" the agreement or continue the mediation process to make revisions to the agreement. Once a final agreement is reached it is then "signed off" the client, family service worker, and supervisor.

It is also noted that if the agency plan changes significantly at anytime during the referral or mediation process the family service worker must notify the mediator and the mediation is terminated.

Mediator Qualifications

Much of the literature reviewed indicates that in order for a child protection case to be effectively mediated, the mediator needs to possess many necessary qualifications that are vital when dealing with the highly complex issues that accompany child protection cases (Maresca, 1995).

First, it is important that the mediator possess good family mediation skills. Training in generic mediation is not sufficient to handle the complex family dynamics that Child Protection cases present. The mediator must have experience and training in managing family interactions and conflicts.

Second, the mediator must have a good appreciation of the child welfare system in Manitoba. A good grasp of the legal framework of the Child and Family Services Act is necessary when options for settlements are negotiated, to ensure legislative requirements are met. It is also helpful to know what resources are available to the clients in the system, and how to access those resources. An appreciation of the mandate and function of a family service worker employed by Winnipeg Child and Family Services is also essential to the successful mediation of these cases. This is necessary to ensure that the mediator understands the parameters under which the family service worker bases his/her positions of interests.

Third, the mediator must be sensitive to issues relating to children. It is not uncommon for children who are being considered for the mediation sessions to have had life experiences that include neglect, abuse or other high-risk activities. The mediator must be sensitive to the child's position in the family, his or her conflicts. The mediator should have the skills to be able to interview children effectively, and communicate their views sensitively.

Fourth, the mediator must be aware of indicators of abuse for children and parents. The mediator must be able to evaluate the ability of the parties to participate in the mediation process without feeling intimidated or coerced. The mediator needs to be alert to the possibility of undisclosed abuse or how that may impact on the parties.

Finally, the mediator must be skilled at redressing the power imbalance between the parties. There is great disparity in this type of mediation between the relative ability of participants to communicate their needs and to effectively negotiate. The mediators have the difficult task of ensuring that all parties are able to put their positions and their interests forward and to bargain with the other parties. Consequently it is essential that all mediators utilized are skilled and trained in this area.

Considerations prior to the Mediation Commencing

The model of mediation that is currently being utilized in other agencies in this country was developed to insure that mediation services are provided in an efficient, effective, and fair manner. However, according to June Maresca (1995), several basic issues must be considered prior to mediation commencing.

First, the mediator must ensure that all cases meet the criteria for mediation. Secondly, all parties to the mediation must be clearly defined. To promote communication between the parties, they should meet face-to-face to try to work out their differences without intervention of counsel. However, the rights of the parties are protected by communication between the mediator and counsel outside of mediation sessions, so that counsel are informed of all discussion during mediation sessions. No party is permitted to sign an agreement at the mediator's office, rather the client is asked to bring a potential settlement to outside significant others such as a client's lawyer or a family service workers supervisor for review prior to implementation.

A child's viewpoint or participation in the mediation process is included in a variety of ways. If counsel represents children, their counsel is contacted and interviewed, however, their lawyer is not involved in the joint mediation session with the other parties. If children have enlisted or are involved with services offered by the Children's Advocate both they and/or the Children's Advocate are invited to participate. In addition if the child is able to articulate their position they are invited to participate directly in the mediation process, either by an individual interview with the mediator, or by participating in the joint sessions.

Third, the confidentiality of the process has to be established by the mediator. Typically a hybrid model of confidentiality is utilized when conducting mediation sessions. Before commencement of mediation, parties are asked to agree in writing that they will not ask the mediator to testify or provide a report. This is done to ensure that the mediator is not used by any party, to advance their case. The parties, however, are free to use any information from the mediation process in any subsequent litigation. It is noted that this does not relieve the mediator from the responsibility to report information that suggests child abuse as set out in the Child and Family Services Act.

Finally, it must be assured that the mediator is impartial, neutral and sufficiently trained. The parties have to be confident that the mediator is independent of any agency or identified interest group that might influence the mediator's response to any of the parties. Usually, the mediation sessions are held at a location that would not detract from the neutrality of the process.

The Mediation Model

The following mediation model was borrowed from literature produced by June Maresca, (1995), and was adapted to meet the jurisdictional and legislative requirements of the CFS Act. The model was developed based on the above listed case selection criteria, the goals/objectives of the program, the components of the program, mediator qualifications, and considerations prior to mediation commencing.

When a referral is made, the mediator speaks with the family service worker, first by telephone, and if need be an individual session with the required family service worker. These initial contacts are done to accumulate background information about the parties involved in the case, the circumstances of the dispute, and information about the court proceedings (if any). Issues such as addictions, mental illness, inability to communicate, and intimidation are screened. Also at this time, the question as to whether any of the children involved in the case would be able to participate in the mediation session is canvassed. The worker is asked to identify the agency's interests regarding the resolution of the dispute. The mediator then provides the worker with a copy of the mediation contract, and is asked to share the contract with his or her supervisor before the joint mediation session begins.

The mediator then meets with each of the other parties individually. Background information is elicited concerning the dispute, court, and the parties themselves. Of particular importance in these sessions are questions regarding ability to communicate

effectively, intimidation, and any other considerations that might affect bargaining ability. Each party is asked to identify his/her needs and interest. A copy of the mediation contract is given to each party and explained. Each individual is asked to take the contract away to think about it and is given an opportunity to consult counsel if they so desire, or in the case of family service worker an opportunity to consult with his/her supervisor.

If the child has counsel and/or an advocate, they are contacted for information and considerations similar to those involving parents and family service workers are discussed. If the child is old enough and willing to participate, the child is interviewed individually. Counsel or advocates for the children, and/or the children if they are old enough, are given a copy of the mediation contract on the same basis as the other parties.

After individual interviews are conducted, the parties are brought together in the office of the mediator to begin discussion. The contract for mediation is reviewed again, and is signed by all parties. The issues for mediation are defined, and an agenda is created. Each party is asked to speak to each item, stating his or her needs and interests, and what he or she would require to settle the matter. When the parties have communicated the information to each other, the parties, with the assistance of the mediator, begin to generate options to meet the identified needs and interests. Each party's input is solicited in the generation of possible solutions, and all needs must be met, as far as possible. This stage often takes one meeting, however it may take more. If consensus is reached, the mediator writes down the agreement and reads it back to the parties. The parties are then

advised that the mediator will send each of them a letter setting out the tentative agreement for review. If any members of the mediation sessions are underrepresented they are reminded that they can contact legal counsel if they so desire.

If consensus is not reached, the mediation is terminated, and the parties are free to pursue other remedies or may take their case back into the adjudicative arena. However, if consensus is reached and the courts are awaiting the resolutions from the mediation session, the agreement is read to the courts, and becomes fact of legal record.

Summary

In response to challenges that are inherent within the child welfare system, the directorate and the executive team at Winnipeg Child and Family Services has decided to implement a Child Protection Mediation Pilot Project. This was done in an attempt to replicate success experiences by other provinces that have applied mediation to child protection cases. The intent when using mediation in child protection cases is to provide an alternative tool for family service workers to access when dealing with cases that are riddled with conflict and appear to be destined for the adversarial arena. The rationale for providing this new and innovative tool to family service workers and their clients is to provide a more effective and empowering resolution to cases, in a shorter period of time, with less expense.

MANAGERS' PROGRAM MODEL

The key stakeholders that were identified at the director and executive management level. The Program Documents Model was presented to both stakeholders and an interview was conducted with each of them to elicit feedback in order to develop an Evaluable Program Model. The purpose of the presentations/interviews was to provide each stakeholder the opportunity to have input into the planning of the evaluation study. At the onset of the interview, it was emphasized that the presentation and the interviews were not for the purpose of carrying out an evaluation, but were being done as a front-end analysis to help conceptualize the program. This was essential to determine the aspects of the program that would be appropriately evaluated, to ensure goals and objectives of the programs are realistic given the resources committed to the program, and to ensure that the relevant information is identified and included in the evaluation. In order to reduce redundancy of information, only the highlights and the discrepancies of the discussion regarding the Program Documents Model are included in the Managers' Program Model.

The Rationale for Developing Winnipeg Child and Family Services' Child Protection Mediation Pilot Project

The rational for the Child Protection Mediation Pilot Project as laid out in the Program Document Model appeared to be an accurate description of the Program. There was basic agreement that the intent of applying mediation to child protection cases was to provide an alternative tool for family service workers to access when dealing with cases that are riddled with conflict, and appear to be destined for the adversarial arena. When

this new and innovative tool is applied to child protection cases, it is done with the rationale of providing more effective and empowering resolutions, in a shorter period of time, with less expense. There was agreement with respect tot he rationale of developing the program and no further suggestions or changes were requested.

The Structure

The only key point raised regarding the structure of the Child Protection Mediation Pilot Project Committee, was that there was no representation from the directorate on the Committee when it was first struck. Information was provided that at the time the committee first was developed the current Director was the Director of Family Conciliation, and that his position of Director of Family Service and Housing, Child Protection Support Branch occurred after the committee began, in December 2001. He stated that while there may not have been physical representation from the Directorate at the time the committee was struck, the program did have the full support of the former Director.

In addition to this when the current Director of Family Services and Housing, Child Protection Support Branch was appointed, he was no longer able to participate at the committee level. Consequently, the committee included representation from each of the following areas: executive management, management, legal, and frontline family service workers.

Funding

With respect to the allocation of funds it was agreed that $50, 000.00 has been approved for the Child Protection Mediation Pilot Project by the Director of the Family Services, Child Protection Support Branch. Although the funds have been allocated to the Mediation Program, it was noted that Family Services and Housing is already operating in a deficit position, however, the Director has agreed to further incur a deficit to provide funding for this program.

Client Population & Case Selection Criteria

Both administrators agreed to the selected client population and the case selection criteria as outlined in the Program Document Model and did not offer any suggestions or changes.

Goals and Objectives of the Child Protection Mediation Pilot Project

There was basic agreement by both administrators with respect to the goals and objectives listed in the Program Document Model. Both agreed that the goals that were included in the document model were fairly well defined. However, there were some additions, suggestions, changes, and comments offered.

One of the suggestions made was to visit the idea of adding *improved public perception* to the list of potential goals for the Child Protection Mediation Pilot Project. However, it

was determined that including and measuring this goal would not be possible in a pilot project situation given the limited implementation of the program. It was suggested that if the pilot project was successful and a decision was made to make mediation available to all cases that met case criteria across the agency, then this goal should be revisited. With respect the remainder of the goals and objectives listed in the program document model the following comments were offered.

The first goal was to realign conflict resolution with the following objectives: to provide a continuum of service to families, to decrease the conflict between clients and the agency; to increase the opportunity for communication of interested parties; and to reduce the interlocutory battles that emerge in the court proceedings. There was agreement that this goal and its objectives were clearly specified and that there did not appear to be any missing objectives. It was felt that this program goal could realistically be achieved and that there are plausible causal linkages between these goals and each of the objectives listed.

The second goal was to empower clients and promote competence. The objectives for this goal were: to increase the opportunity for all parties to articulate their interests; to increase the opportunity for equality of all parties; to increase the opportunity to include extended family and/or advocacy systems; to increase the opportunity for clients to articulate and participate in resolving the issues confronting them and their children; to increase the effectiveness and efficiency of case planning for families and their children; to increase the compliance to resolutions reached; to improve problem solving skills for

parents. There were some questions regarding the actual wording of this goal, it was unclear as to whether the goal was to promote competence in the client, the family service worker or both. The suggestion was made that the goal of the program should read *to empower clients and promote competence in both the client and the family service worker.* With respect to the objectives listed in this section, there was a suggestion that the addition of a few objectives were required in order to reach the goal of competency for family service workers. The revisions were to add the objectives of increasing professional development of family service workers; to increase mediation skills for family service workers; and to add a new technique which family service workers can utilize when working with clients.

The third goal was to have earlier resolutions of child protection cases. The objectives of this goal were: to reduce the number of court appearances in cases; to decrease the number of trials; to reduce the legal costs associate with increased court appearances and/or trials; to reduce the costs associated with placing and maintaining children in care; while awaiting case resolutions; to reduce the length of time children spend in apprehension status and in temporary care; to reduce the cost associated with the number of days in care for children in protection services; to redirect resources from courts to client related services. There was basic agreement with respect to this goal and its objectives. Neither interviewee offered any suggestions or changes to this goal or objective.

The fourth goal was to improve working relationships between family service workers and families. The objectives of this goal were: to increase the opportunity for family service workers and clients to work co-operatively instead of working as adversaries; to increase honesty and trust by clients; to improve parent/child relationships; to improve the relationship between family service workers and their clients; to decrease the need for future protective services; and to increase compliance to ensure child safety. There was basic agreement with this goal and its objectives. However, there was suggestion that additions or alterations were required. The first suggestion was that the second objective should read, *to increase honesty and trust by client and family service worker.* The other suggestion was to add the objective, *to improve worker/client relationship.*

The fifth goal was to reduce the workload of family service workers. The objectives of this goal were: to reduce the time required to prepare for court proceedings; to reduce the required to prepare for court appearances and/or trials; to increase the amount of time family service workers spend providing direct client services; to increase the amount of time family service workers have to do family assessments and make appropriate referrals to other need resources for clients. There was basic agreement with respect to the goal and objectives, and no suggestions or changes were made.

Table 4. The Managers Model Goals and Objectives

Goals	Objectives
1.0 Realign conflict resolution	1.4 To provide a continuum of service to families. 1.5 To decrease the conflict between clients and the agency 1.6 To increase the opportunity for communication of interested parties 1.4 To reduce the interlocutory battles that emerge in the court proceedings.
2.0 Empower clients and promote competence **in both the client and the family service worker**	2.7 To increase the opportunity for all parties to articulate their interests. 2.8 To increase the opportunity for equality of all parties. 2.9 To increase the opportunity to include extended family and/or advocacy systems. 2.10To increase the opportunity for clients to articulate and participate in resolving the issues confronting them and their children. 2.11To increase the effectiveness and efficiency of case planning for families and their children. 2.12To increase the compliance to resolutions reached. 2.13To improve problem solving skills for clients. **2.14To increase professional development of family service workers.** **2.15To increase mediation skills for family service workers.** 2.16**To provide a new technique which family service workers can utilize when working with clients.**

3.0 Earlier resolution of child protection cases	3.8 To reduce the number of court appearances in cases. 3.9 To decrease the number of trials. 3.10To reduce the legal costs associated with increased court appearances and/or trials. 3.11To reduce the costs associated with placing and maintaining children in care, while awaiting case resolutions. 3.12To reduce the length of time children spend in apprehension status and in temporary care. 3.13To reduce the cost associated with the number of days in care for children in protection services. 3.14To redirection of resources from courts to client related services.
4.0 Improve working relationships between family service workers and families.	4.6 To increase the opportunity for family service workers and clients to work co-operatively, instead of working as adversaries. **4.7** To increase honesty and trust by client **and family service workers.** 4.8 To improve parent/child relationships. **4.9 To improve the relationship between family service workers and their clients.** 4.10To decrease the need for future protective services. 4.11To increase compliance to ensure child safety.

5.0 Reduce the workload of family service workers.	5.5 To reduce the time required to prepare for court proceedings. 5.6 To reduce the time required preparing for court appearances and/or trials. 5.7 To increase the amount of time family service workers spend providing direct client services. 5.8 To increase the amount of time family service workers have to do family assessment and make appropriate referrals to other needed resources for clients.

Referral Process and Mediation Program Activities

Both administrators generally agreed with the description of the program components and the accompanying flowchart that were present in the Program Document Model, however, it was felt that there were some omissions. The first point that was made was the program appeared to lack a promotional component. It was thought that success of the Mediation Program would greatly depend on how paraphernalia was distributed and explained to family service workers within the agency. Without this component, family service workers would not understand how mediation could be used as a new and innovative tool when working on protection cases.

The second issue raised was regarding the referral process. It was suggested that once the supervisor and the family service worker made a decision that the case was appropriate for mediation, the funding should then be secured. It was stated that if funding was not secured prior to the client's consent, the termination of mediation could be viewed by the

client as another attempt by Winnipeg Child and Family Services to control the outcome of their situation.

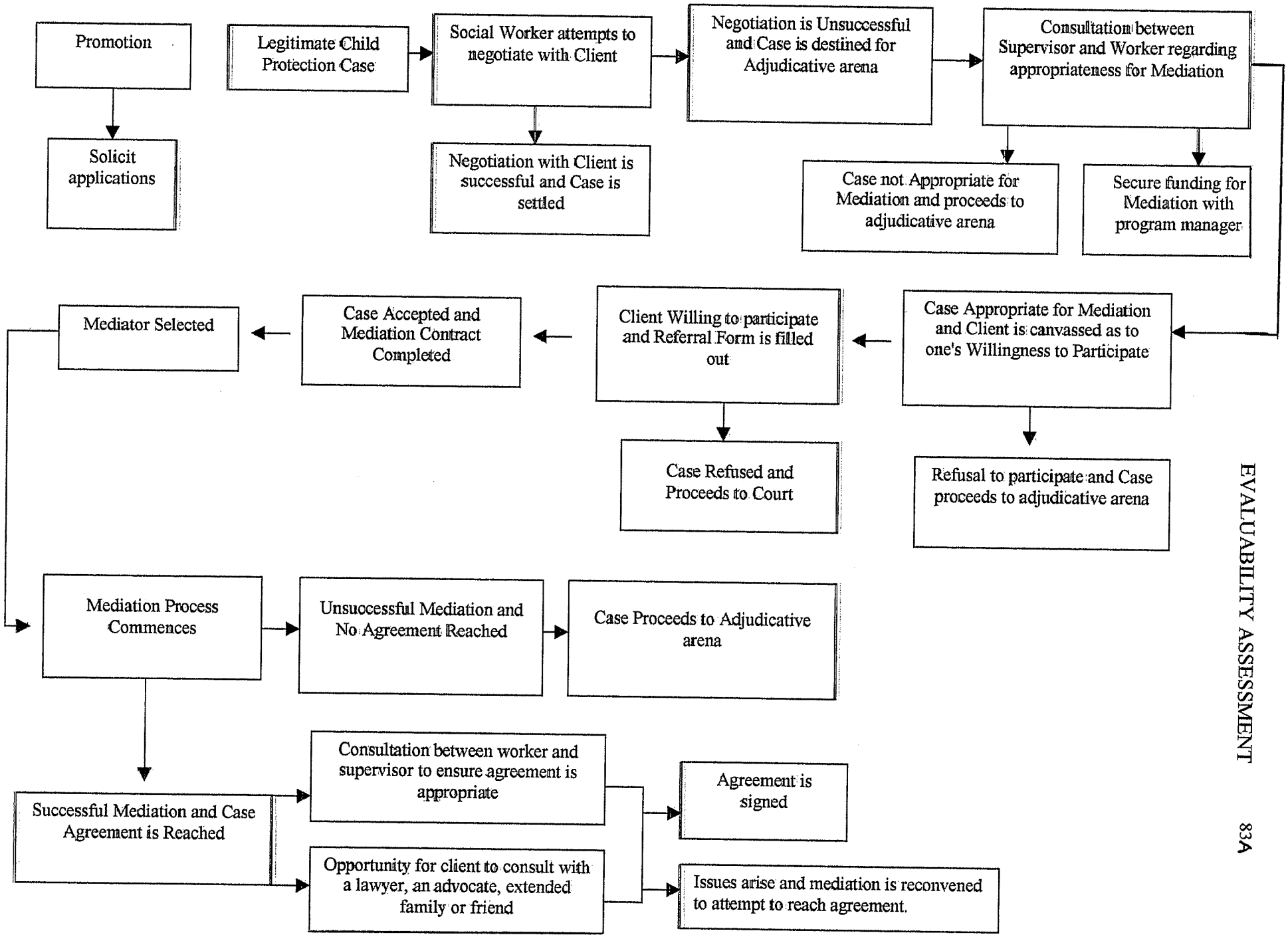
The third and final suggestion that was made was to add a component to the flow chart, which would allow for consultation between the family service worker and the supervisor, once the mediation agreement has been reached. It would be essential that the signing of the agreement be completed before the agreement could be presented to the courts. It was stated that this would be essential to ensure that accountability does not become solely the family service workers responsibility and to ensure that the supervisor has an opportunity to review and agree with the agreement that was reached as a result of the mediation process. In addition to this, the client would be given the same opportunity to present the agreement to whom ever they felt comfortable consulting with, such as a lawyer, an advocate, a friend, or a relative. These suggestions were apparently explained within the written component of the program document model however, the actual flow chart did not reflect them. A new flowchart was developed which reflected the changes requested in the Program Managers Model Flowchart (please figure 2, p. 83A)

Mediator Qualifications

Considerations prior to the Mediation Commencing

The Mediation Model

Program Manager's Model Flowchart



With respect to the sections: Mediator Qualifications, Considerations Prior to the Mediation Commencing, and the Mediation Model presented in the Program Document Model, the description appeared to be an accurate. No suggestions or changes were requested.

Committee Document Model

A meeting with the Child Protection Mediation Pilot Project Committee was held to present the Program Document Model. The reason for this presentation was to provide each committee member with the opportunity to have input into the planning of the evaluation. Unfortunately, very few of the original committee members attended the meeting. During the meeting it was explained to the committee that the purpose of the presentations and the interviews were not to carry out an evaluation but rather it was to assist in conducting a front-end analysis to help conceptualize the program. This was essential in order to: determine the aspects of the program that could be appropriately evaluated; to ensure that goals and objectives of the program were realistic given the resources committed to the program; and to ensure that the relevant information is identified and included in the evaluation.

The Rationale for Developing Winnipeg Child and Family Services' Child Protection Mediation Pilot Project

There appeared to be general agreement on the rationale for the Child Protection Mediation Pilot Project as it was described in the Program Document Model. However, it was suggested that perhaps a section that states why the social worker should refer a case to mediation should be included. It was stated that an explanation of the social worker's role in mediation, how it influences their workload, and how the balance of power is effected in cases should be explained.

The Structure

The committee was presented with the description of the program structure originally found in the Program Document Model. This was followed by an explanation of the suggestions made in the Managers' Program Model. All Committee members agreed that the description of the Structure as laid out in the Manager's Program Model was the more accurate description of the program and no changes or suggestions were made.

The Funding

With respect to the allocation of funds to the Child Protection Mediation Pilot Project, there was agreement that description of funding as described in the Program Document Model was accurate and no changes or suggestions were offered.

Client Population & Case Selection Criteria

All committee members agreed to the description of the client population and the case selection criteria offered in the Program Document Model; no changes or suggestion were made.

Goals and Objectives of the Child Protection Mediation Pilot Project

The committee was presented with the description of the program goals and objectives found in the Program Document Model. This was followed by an explanation of the suggestions made in the Managers' Program Model. There was agreement that all of the goals and objectives listed were an accurate depiction of the program and that no changes

were required. The committee agreed that the goals and their objectives were realistic and that were plausible causal linkages between the program goals and objectives.

Referral Process and Mediation Program Activities

The committee was presented with the description of the components of the mediation program as it was described in the Program Document Model. This was followed by an explanation of the suggestions and additions made in the Managers' Program Model. There was agreement that the description as it was found in the Program Document Model was not complete, however, when combined with the changes and additions that were suggested in the Program Managers Model, the description of the components of the mediation program was accurate. No further changes were required.

After reviewing the description of the components of the mediation program the committee had the opportunity to review the accompanying flow chart as it was found in the Program Document Model. This was again followed by an explanation of the changes and additions that were suggested in the Program Manager's Model. There was some disagreement with the flow charts as they were presented. It was suggested by one member of the committee that perhaps a second administrative flow chart would be beneficial to show the budgetary approval and tracking process. The reason that this was suggested was to provide only the required information to the intended parties. The administration flow chart would not include the referral process and the family service flow chart would not include funding or tracking information. This however, was met with some disagreement from other members who stated that it's important to ensure that

all of the information is included in one flow chart so that the family service workers and administration understand all the components of the mediation program. Further discussion confirmed that one flow chart is more appropriate given that the workers are required to access funding and are key to the referral process. Without this information workers would not have a full understanding of all of the components of the program.

Mediator Qualifications

Considerations prior to the Mediation Commencing

The Mediation Model

With respect to the sections: Mediator Qualifications, Considerations prior to the Mediation Commencing, and the Mediation Model presented in the Program Document Model, the description appeared to be an accurate. No suggestions or changes were requested or offered.

Finding out what is really happening?

In order for the analyst to determine what was really happening in the program, it was necessary to collect data in the field. This was to done to confirm information that was not evident in the analysis of the documents or interviews. This venture into the field was not conducted for the purpose of the evaluation assessment. It was done secure a better understanding of the program. However, after interviewing family service workers that had cases proceed through mediation, it was determined that at the time of their referrals no formal program had been developed. Consequently, it was recognized that

instead of venturing out into the field to confirm information regarding the program components and activities, the venture was done to ascertain whether the program document model could have assisted family service workers in their experience through the mediation process. In addition to this, family service workers were canvassed as to whether or not the program documents model provided a greater understanding of how mediation could be applied to child protection cases.

As already mentioned above, it was not possible to speak to family service workers about their experience with the Child Protection Mediation Program due to the fact that there was no formal program written at time that their cases proceeded to mediation. Instead, workers came to know about mediation through their lawyers or supervisors and in each case it was accessed differently. There was not a list of referral criteria that qualified or disqualified cases for the mediation program nor was there the intake or funding process delineated. Notwithstanding this lack of program delineation, the agency had already started using mediation and accessing the funding.

Initially, there was a list of eight workers that referred cases to mediation in the past. However, only two actually proceeded through to mediation. This attrition was the result of changed circumstances in the cases, client refusals, or lack of appropriateness for the case to proceed to mediation. The two workers that had cases proceed through the mediation process were contacted and agreed to participate in an interview to provide feedback on their experience with mediation, and to review the Program Document Model.

Both workers that were interviewed indicated that when it was decided that mediation would be utilized in their cases, the actual process for referral was slightly confusing. It was emphasized by the family service workers that referring a case to mediation would have been much simpler, had the structure which was presented in the Program Document Model been available at the time they went to mediation. In addition to this, it was emphasized that the eligibility criteria for referring cases, the explanation of the funding process, as well as the flow chart, made access to the program more user friendly. Finally, it was stated that after having read the Program Document Model, the workers had a new appreciation for the number of cases in which mediation could be applied.

The only suggestion that was made with respect to the Program Document Model was that it appeared to be lacking a promotional element. The family service workers stated that after the Program Document Model was presented to them, they had a new understanding of how to use mediation in child protection cases. It was further indicated that perhaps if the program was explained and offered to all family service workers, they would utilize the mediation program as an alternative to proceeding to the adjudicative arena.

In addition to the formal interviews that were conducted, informal dialogue with family service workers occurred while in the field. It was determined that none of the family service workers who were spoken to had any knowledge of the mediation program nor were they aware of how mediation could be applied to their child protection cases. For

the most part workers thought that mediation within their cases would certainly be a useful tool however, they were unable to comprehend how mediation could be utilized as an alternative to protection cases proceeding to court.

In further conversations it became apparent that the devolution process of Winnipeg Child and Family Services was a paramount concern to the family service workers. When workers stated that management had advised them, that greater then 50% of the family service workers would be re-deployed, their interest in participating in new and innovative programs within the agency began to dissipate.

Final Consensual Evaluable Model

The Final Consensual Model was an aggregate of all of the information that was gathered from, the Program Documents Model, the Managers Program Model, and the Committee Program Model. It was from these models that the analyst could arrive at a consensual evaluable program model, which included program components that were agreed to by the key stakeholders and advisory committee. If agreement could not be reached, then those components in which discrepancies existed would not be included in the Consensual Program Model. However, each model that was developed allowed for various groups or individuals to have their expectations and discrepancies delineated

(To see the Final Consensual Evaluable Model in full please refer to Appendix B). In order to reduce the redundancy of information in this section, only the highlights and discrepancies will be included in the Final Consensual Evaluable Model.

There was only one change required in the Final Consensual Evaluable Model. All sections as they were outlined in the Program Documents Model were presented explained to the administrators and changes that were requested are reflected in the Managers' Program Model. After this was completed the Program Documents Model was then presented and explained to the Child Protection Mediation Pilot Project Advisory Committee. Once they had an opportunity to review it, the changes that were requested in the Managers Program Model were presented. The Committee agreed unanimously to the changes in the Program Mangers Model. However, there was one change that was agreed to in the Committee Model which, was to add in a section that

reflected why social workers should refer cases to mediation. Since their was agreement on all the section as they were explained in the prior models the only section that will be added is the section called *Why Refer.* It reads as follows:

Why Refer?

For family service workers that constantly deal with child protection cases destined for the adversarial arena, alternate innovative techniques are needed to: avoid the conflict that accompanies the court process, to decrease the amount of time required to prepare for court, and to realign the balance of power. With the application of mediation to child protection cases these dynamics can change significantly.

When mediation is applied to child protection cases the family service worker and the client work together, with a mediator, to resolve the conflict. The onus is not on the worker to develop a plan and force compliance on the client. The idea is that both the client and family service worker participates in the creation of a consensual solution. These solutions are more durable than orders imposed by the court, leading to greater compliance by the client. (Meresca, 1995). This was confirmed, in a Mediation Pilot Project that was conducted at the Children's Aid Society of Metropolitan Toronto (CAS). It was determined that mediated solutions yielded more durable agreements. In each of the cases in which resolutions were reached in mediation, there was full compliance with the terms of the agreement, and in at least one case the CAS was able to close the file (Meresca 1992). Compliance to treatment plans may result in the earlier return of

children, an increase in the amount of time family service workers spend providing direct client services, and improved relationships between family service workers and families.

The pilot project in Toronto also provided evidence that mediation was a more timely way to resolve child protection disputes. Of the cases that were referred to mediation, workers estimated that they spent between 17% and 50% of the time that would have been spent in court had the matter not been resolved in mediation. It was also determined that once a referral was made to mediation, the process only took between one and three months to complete (Meresca 1992).

Another finding of the project was that there was general user satisfaction with the mediation process. The majority of the clients felt that they were heard fairly, and that they were able to actively participate in the process. Most indicated that the agreement reached was a fair one and could be followed. In addition to this, the impact of the mediation process on the individuals involved was dramatic. The assumption of personal, direct responsibility for one's own action, and for the ultimate outcome of the case was reported by the client to be frightening, intimidating, exhilarating, threatening, liberating, and empowering.

Finally the pilot project concluded that the mediation process was a cost-effective method of resolving disputes. A conservative estimate from the CAS legal service department indicated that a contested case costs their Agency between $1500.00- to $1800.00, strictly for lawyer time. This did not include worker time, the costs of running a

courtroom, judge's time, Legal Aid costs etc. The average cost of the mediations conducted was $710.44, with the most expensive costing $1190.00 (also not including the workers time).

The rest of the sections remained the same as they were presented in the Committee Document Model. No further changes or modifications were required. There was agreement on all sections.

CHAPTER VI

FEASILBILTY ANALYSIS

The program analysis phase of this evaluability assessment identified the intent to evaluate the Child Protection Mediation Pilot Project. The documents model revealed that an evaluation of the program is essential to determine whether future funding will be allocated to the program and whether the program will be implemented on a agency wide permanent basis. Although the program analysis consistently exposed commitment to the evaluation process, there was no specific information as to who would do the evaluation or how it would be carried out. The definitive issue that was stated was that there would be a program evaluation which, would be concerned with determining whether the project is effective.

The program analysis identified the program activities and goals/objectives that could be considered for inclusion in an effectiveness evaluation (Rutman, 1980). Once this task has been completed, it is then incumbent upon the evaluator to analyze the feasibility of implementing program evaluation designs and methodologies.

When attempting to accomplish this task there are a number of considerations that guide the evaluator. According to Rutman (1980), the design and implementation of a program are important considerations for evaluations that aim to draw conclusions about the effectiveness of particular program components carried out in prescribed ways. The various factors that affect a program evaluability are grouped under two major concerns: (1) program characteristics (i.e. well-defined programs, clearly specified goals/effects,

and plausible causal linkages); and (2) the feasibility of implementing required methodology (such as measurement) to meet the purpose of the evaluation. Considering this the program design and implementation, purpose of the evaluation, information requirements, as well as feasibility of data collection were examined.

Program Design

The program analysis phase of the evaluability assessment identified one significant omission in the mediation program design, which was the lack of a promotional element in the program. It is clear that without promotion of the program, family service workers would not be cognizant of how mediation could be applied child protection cases. This appeared to be a very necessary preliminary step, before the program could be evaluated. If promotion of the program were not done, referrals would be very limited. This would make it impossible to gather data and to determine whether mediation provided a more effective and empowering resolution in shorter time period, with less expense. Notwithstanding the identification of this shortcoming, plans to promote the program have not been articulated and referrals have been almost nonexistent.

To resolve this issue, a decision needs to be made with respect to how and when the program will be promoted. In order to accomplish program promotion so that information could be accumulated, a great deal of manpower must be allocated to this task. Unfortunately, due to the failure to designate a person with the authority to promote the program, the information needed to conduct an evaluation is not available. Without,

resolving this obstacle, the information needs of the primary user can not be met, thus making an evaluation at this time impossible. However, future promotion of the program to lawyers, family service workers and supervisors would increase the potential for referrals, which, in turn would allow for the accumulation and collection of data that are required prior to an evaluation of the program.

Another issue that was exposed upon completion of the program analysis phase was the lack of operationalization of some of the goals that were agreed to in the Consensual Model. According to Rutman (1980), the primary reason for having clearly specified goals and effects as a precondition for undertaking an effectiveness evaluation is to ensure the development of appropriate measurement tools. If the goals or objectives are stated vaguely they do not provide an adequate basis for deciding what specifically should be measured or whether reliable or valid measurement is possible. Although, the Consensual Evaluable Model identified the objectives as agreed to by both management and the committee, they were not presented in a format that reflected outcomes. Notwithstanding this, the consensus that was reached with respect to the objectives is an excellent starting point from which, the committee can build upon and commence further definition and the operationalization of the objectives.

The first goal was to realign conflict resolution with the following objectives: to provide a continuum of service to families, to decrease the conflict between clients and the agency; to increase the opportunity for communication of interested parties; and to reduce the interlocutory battles that emerge in the court proceedings. This goal was adopted

from the CAS Mediation Project (Wildgoose and Meresca, 1994). The assumption behind this goal appeared to be that if mediation were applied to child protection cases that were destined for court, resolutions would be reached without increasing the conflict in the case. In order to measure this goal it needs to be more clearly defined. It is unclear how the realignment of conflict resolution would be measured. One would assume that the Agency desires mediation to decrease the conflict in child protection cases destined for court. However, in order to determine whether mediation actually achieves this goal, the term realignment would have to be operationalized in order to be measurable.

With respect to the objective of providing a continuum of service to families, it would be difficult to measure, as it is not defined. It is unclear what continuum of service is desired by the agency. The objective would need to be stated in a fashion that would allow measurement, consequently, operationalizing the objective in terms of outcomes is essential prior to conducting an evaluation. Without well-defined outcome objectives, it would be impossible to determine whether the mediation program actually produced the intended goals.

The objective of decreasing the conflict between clients and the agency also requires some clarification. It is unclear how much of a decrease in conflict is necessary in order to consider mediation successful, or would the agency consider any decrease in conflict a success? Notwithstanding, it still would be possible to measure whether or not mediation decreased the conflict in protection cases. This could be accomplished by utilizing a self-

reporting questionnaire developed by the agency. However, the amount of decrease in conflict that would be considered successful is not clear.

The objectives of increasing the opportunity for communication of interested parties and the reduction of interlocutory battles that emerge in the court proceedings also require operationalization. Again with these objectives it is unclear how much of an increase or decrease would be required before the agency would consider the program a success.

Once this clarification is done, self-reporting measures by both family service workers and clients could be used to determine whether these objectives have been accomplished.

The second goal was to empower clients and promote competence in both the client and the family service worker. The objectives for this goal were: to increase the opportunity for all parties to articulate their interests; to increase the opportunity for equality of all parties; to increase the opportunity to include extended family and/or advocacy systems; to increase the opportunity for clients to articulate and participate in resolving the issues confronting them and their children; to increase the effectiveness and efficiency of case planning for families and their children; to increase the compliance to resolutions reached; to improve problem solving skills for parents. The assumption behind this goal appeared to be that the process of mediation would empower clients to participate in the case resolution and to provide avenues of experience that would increase the capabilities of both the client and the family service workers. The agency's expectations surrounding

the promotion of competence needs to be more clearly defined before this goal could be measured.

The objectives for this goal all appear to require operationalization of terms such as *to increase, to improve, or to provide.* It is unclear how much of an increase or improvement in the objectives, would be required before the program could be considered successful. In addition to this, many of the terms such as effective and efficiency also need to be operationalized so that they may be measured.

The third goal, which was an earlier resolution of child protection cases, also needed to be operationalized. The assumption behind this goal is that when a child protection case, which is otherwise destined for the adversarial arena, is rerouted to mediation a resolution in the case is reached in a shorter time period then if it had proceeded through the courts. The length of time required to resolve a case that proceeds through mediation could be monitored and tracked by the mediator. This information could then be compared to similar cases that have proceeded through the court system. The agency would have to isolate cases with similar demographics and issues to determine if mediation did provide an earlier resolution. However, the issue of how much earlier a case must be resolved, in order for mediation to be considered successful is not clearly defined.

The objectives of this goal are: to reduce the number of court appearances in cases; to decrease the number of trials; to reduce the legal costs associated with increased court

appearances and/or trials; to reduce the costs associated with placing and maintaining children in care; while awaiting case resolutions; to reduce the length of time children spend in apprehension status and in temporary care; to reduce the cost associated with the number of days in care for children in protection services; to redirect resources from courts to client related services. Again with these objectives, the committee must operationalize them before success can be determined and tools of measurement could be developed.

The fourth goal is to improve the working relationships between family service workers and families. The objectives for this goal were: to increase the opportunity for family service workers and clients to worker co-operatively, instead of working as adversaries, to increase honesty and trust by clients, to improve parent/child relationships, to decrease the need for future protective services, to increase compliance and to ensure child safety. The assumption of this goal appeared to be that when clients and family service workers go to mediation in an attempt to work co-operatively to resolve the issues in the child protection case, their relationship improves and so does the clients willingness to comply to the agreement reached in mediation. Again with this goal and its objectives, further definition with respect to terms such as to increase, to improve or to decrease, is required.

The fifth goal was to reduce the workload of family service workers. The objectives of this goal were: to reduce the time required to prepare for court proceedings, to reduce the time required preparing for court appearances and/or trials, to increase the amount of time family service workers spend providing direct client services, and to increase the amount

of time family service workers have to do family assessments and make appropriate referrals to other needed resources for clients. The basic assumption of this goals was that by taking a protection case to mediation and avoiding the adversarial arena, much time that would otherwise be spent preparing for court, in pre-trials, and in trials could be spent provide direct service to the client. As with the other goals and objectives, these require further definition and operationalization before they can be considered for measurement.

Implementation Requirements

According to Rutman (1980), if an evaluation aims to determine whether a particular type of program is effective, there must be some assurance that it can be implemented according to the original specifications. The Consensual Evaluable Model of the Child Protection Mediation Pilot Project revealed that the program and its activities were well-defined. The clear definition of the qualifying criteria for the program, the referral process, the funding process, and the mediation process does not allow for a great deal of variation. One factor that could affect the implementation of this program is, if cases that did not fit into the qualifying criteria were allowed proceed through to mediation. Should this happen and the information is aggregated with other information gathered by the program, it would definitely impact on outcome measures. This in turn would effect the agency's ability to determine whether or not the application of mediation to child protection cases was effective. However, with the guideline for qualification and disqualification articulated so clearly, this is unlikely to happen.

Another implementation requirement of the program is that the agency must ensure that only qualified mediators are selected. This issue is important because if a mediator is not qualified to conduct a mediation session or does not have the sound knowledge of the child welfare system that is essential for conducting this type of domestic mediation, there may be a failure to reach a resolution. In addition to this, if a mediator is not sensitive the unique issues that are present in these types of cases, they may not be able to recognize issues or situations that arise during the session/s that would disqualify the cases from continuing through the process. Should this occur the information from these cases may be collected and aggregated with other data and skew the results of an evaluation.

Purpose of the Evaluation

The purpose and the information needs of those that authorize and/or fund the Child Protection Mediation Pilot Project are the major determinants of the focus and nature of the evaluation. "It is the purpose of the evaluation that establishes the methodological requirements. The feasibility analysis aims to determine the extent to which the methodological requirements could be met, given the numerous constraints, that inevitably arise" (Rutman, 1980 p. 123). However, before the purpose and the information needs can be revealed, the primary users of the evaluation must be identified.

The primary users of the Child Protection Mediation Pilot Project appeared to be the Directorate, executive management, and advisory committee. Beyond this, it was unclear

as to whom the evaluation would be shared with should it yield positive results; and would that change if the evaluation yielded negative results? Would it be shared with other government officials? Would it influence the creation of new legislation? Or would it just continue to exist as an alternative tool that could be utilized within Winnipeg Child and Family Services? Unfortunately, these questions remain unanswered and the inclusion of future users and their expectations could not be included in this evaluation.

Once the primary users of the evaluation have been identified, the next task was to determine what their stated purpose of the evaluation was. The stated purpose for the evaluation was to determine whether more effective and empowering resolutions could be reached in a shorter period of time, with less expense. This statement was clearly articulated and agreed upon by the stakeholders and advisory committee members. However, the primary focus of the evaluation differed between the service level and the government level (the funder). The focus of each of these stakeholders was directly related to their position within the child welfare system. The implication of this on the program's evaluation could be quite dramatic. This fundamental difference in the focus of the stakeholders could result in a disagreement on what goals and objectives should ultimately be included in the full-blown evaluation. This may result in the failure to collect the information needed to satisfy the all the primary users of the evaluation.

For the funders of the program, the primary focus of the evaluation was to determine whether the application of mediation to child protection cases, provided a more effective service while incurring less expense. If the program evaluation displayed results that

were indicative of effective service at a lower cost, the program would be more widely implemented with the continued expectation of a drop in cost to the government. This was evident in the areas that received more focus during the creation of the Program Manager's Model. Although all areas of the program received attention, the areas that primarily received focus were the areas of funding, structure, goals and objectives, and program components that correlated to cost and efficiency of service. Service level areas such as: considerations prior to mediation, mediator qualifications, and the mediation model did not receive as much attention.

At the service level the primary focus of the evaluation was to determine if more effective and empowering resolutions could be reached in a shorter time period. While the Committee Model was being developed the primary focus was the issues of program goals and objectives that dealt with direct service issues, the program components, considerations prior to mediation, the mediator qualifications, and the mediation model. However, issues of cost reduction and funding did not appear to plague the staff therefore a great deal of time and attention was not spent dealing with these issues.

Feasibility of Collecting Data

Considering that the Child Protection Mediation Pilot Project has not yet had many referrals, the feasibility of collecting data has not been addressed. When attempting to address this issue the Child Protection Mediation Pilot Project Committee should consider a number of tasks. Once the purpose of the evaluation is established the next

task is to determine the type and volume of information that is needed to meet the purpose evaluation. The question, according to Rutman (1980), is to what extent can information requirements be met at the desired degree of validity and reliability, considering cost and other types of constraints?

In order to accomplish this task and determine the data required by the committee, it must establish how much detail is needed about the manner in which the program is implemented, in order to make appropriate use of the evaluation finding. This is important in order to collect detailed information about the mediation program's operation, which in turn will enable the committee and the evaluator to determine what is actually occurring.

Secondly, the committee must determine which goals and objectives should be included in the evaluation. Often times when evaluations of programs are being conducted long inventories of goals and objectives are developed and there is temptation to collect information on all of them. Choices must usually be made to limit the evaluation to some of the goals and objectives, otherwise the thoroughness of the study may be compromised by its extensiveness (Rutman, 1980). The purpose of the evaluation and the expected use of the findings should guide the Child Protection Mediation Pilot Project committee on selecting the goals and the objectives for inclusion in an evaluation. It then becomes the evaluator's role to point out the methodological difficulties of measuring particular goals/effects and the costs that such measurement might entail.

Thirdly, the Child Protection Mediation Committee has to decide on how much background information is needed to help shed light on the findings of the evaluation. Decisions with respect to background information are very important in that it provides essential descriptive information about cases that proceed through the mediation program. This is important so that only the cases that meet the selection criteria are included in the evaluation. This will allow the committee to ensure that only the targeted population was included in the study and will also provide information as to whether there are certain types of cases that would benefit more from mediation.

Validity and Reliability Considerations

Once the committee has selected the goals and objectives that will be included in the evaluation, the type of information that is required, and how much information is needed, they then face the task of selecting valid measurement procedures and tools that actually measure what they purport to measure. When doing this, it is very important to ensure that the exact meaning of the concepts that are to be measured are well enough defined and agreed upon by primary users of the evaluation. This area of focus requires particular attention due to the fact that the objectives listed in the Consensual Evaluable Model require further defining and operationalization. Other factors such as ensuring that the measurement tools only measures the relevant goals and how they affect the validity of the data must also be considered.

In addition to selecting valid measurement tools the Committee must also ensure that the tools they develop are reliable so that data collection and processing procedures are done utilizing consistent and stable measurement tools. When attempting to develop reliable measurement tools the Committee must be cognizant of the reliability problems that accompany the planned data collection procedures. When doing this they must reach a decision as to the desired level of reliability and then take the necessary precautions to ensure that the required level of reliability is reached.

Feasibility of Collecting Valid and Reliable Data

There are a number of considerations that need to be pondered when developing and implementing valid and reliable measurement tools. First, it must be determined how political factors will effect the development and implementation valid and reliable measures. For the Child Protection Mediation Committee this is an important factor to consider because the Agency is currently undergoing massive changes, which are inherently accompanied by a number of political issues. It must be determined what the impacts of political issues are and whether they undermine the efforts to develop and implement valid and reliable measures.

Another factor that could affect the reliability and validity of potential measurement procedures and tools are the cost implications. Although the funder has agreed to an evaluability assessment, there has been no mention of who will conduct the full-blown evaluation or when it will be done. Consequently, at this point it is undetermined how

much money will be set aside to evaluate the program. Without planning for and committing to an evaluation, the funds required to conduct a thorough and meaningful evaluation may be consumed by the program. The ramification of this could be quite devastating to the mediation program. Should there be insufficient funds for the evaluation, corners may need to be cut and measurement procedures and tools essential to the collection of data may not be considered due to the lack of funds. This will result in a failure to collect the information needed to determine whether or not the mediation program actually yielded its intended results.

The type of data that needs to be gathered should provide information as to the demographics of those involved in the case, the types of cases, whether or not an agreement was reached, terms of the agreement, how long the mediation sessions took, and how much they cost. Other information that should be included is client satisfaction information; family service worker satisfaction information, workload information, and possibly information with respect to the durability of the agreements such as follow up information.

The only information that is currently being recorded is demographic information. The Program Manager's executive assistant is responsible for collecting this data.

Summary of Recommendations

The evaluability assessment identified the program goals and objectives that could be studied as well as the feasibility of implementing the required methodology. The task left is to make recommendations based on the findings of the evaluability assessment which will assist Winnipeg Child and Family Services in making changes to the program that would increase it evaluability. "An analysis of the problems can provide direction for redesigning programs or restating the expected outcomes. Such changes facilitate the program evaluability by ensuring greater plausibility between program efforts and stated outcomes" (Rutman, 1980 p. 166).

The first recommendation I would make, based on the information gathered from the evaluability assessment, would be for the Child Protection Mediation Committee to determine if there is enough vested interest within the committee and the agency to move ahead with the implementation of the mediation program. Given the decrease in membership to the committee and the lack of staff resources allocated to the program and its implementation, it would be impossible to implement this program in such away that would be conducive to a meaningful evaluation. If Winnipeg Child and Family Services is not able to allocate staff and resources to the program, at this time, my recommendation would be that the implementation of the program be suspended until staff and resources are available.

Secondly, I recommend that if the program proceeds the Child Protection Mediation Committee should commence working on a strategy for promoting the program. The program analysis phase of the evaluability assessment revealed that the mediation program lacked a promotional element. It is clear that without promotion of the program, family service workers would not be cognizant of how mediation could be applied to child protection cases. As already stated above, this appears to be a necessary preliminary step before the program could be evaluated. If promotion of the program is not done, referrals would be very limited. This would make it impossible to gather data and to determine whether mediation provides a more effective and empowering resolution in shorter time period, with less expense. To resolve this issue, I recommend that before the agency attempts to implement the program, decisions need to made about whom is going to promote the program, how it will be promoted, and when it will be promoted. Without resolving this obstacle, the information needs of the primary users cannot be met.

In addition to this, it has become obvious after conducting the evaluability assessment that the current milieu within the agency may not be favorable to the implementation of a new and innovative program. At this time, employees of the agency appear to be overwhelmed with the ramifications that accompany the impending massive changes. The milieu created by these changes does not appear to be conducive to encouraging the participation and exploration of new and innovative technique to deliver services. Instead of attempting to implement the mediation program now, at a time when fear and anxiety are paramount and change is seen as negative, I recommend that the mediation program

be implemented in conjunction with the other changes in structure and authority. This may assist employees in accepting the mediation program as part of the larger changes that are occurring, instead of viewing it as the beginning of the end of the agency as they knew it.

Should Winnipeg Child and Family Services decide to go ahead with the mediation program a decision with respect to an evaluation must be made. To meet this end, I recommend that the funders of the program commit sufficient funds to ensure that a rigorous, methodological, and meaningful evaluation can be conducted. As already stated in the feasibility analysis, without planning for and committing to an evaluation the funds needed to conduct an evaluation may be consumed by the program. The ramification of this could be quite devastating to the mediation program. Should there be insufficient funds for the evaluation, corners may need to be cut and measurement procedures and tools essential to the collection of data, may not be considered due to the lack of funds. This will result in a failure to collect the information needed to determine whether or not the mediation program actually yielded its intended results.

In addition to this, I recommend that the agency choose an evaluator and commence working on the evaluability issues of the program design that were revealed in the evaluability assessment. At this stage of program development the Child Protection Mediation Pilot Project cannot support a program evaluation. The program goals and objectives are not sufficiently defined or operationalized to undergo a methodological and meaningful evaluation. Although they currently provide a good starting point, many

of the listed objectives are not well enough defined or are not written as outcome objectives consequently, they cannot be measured. I recommend that the committee focuses on determining whether or not all the goals and objectives that are listed in the Consensual Evaluable Model are necessary for inclusion in the evaluation. Often times when evaluations of programs are being conducted long inventories of goals and objectives are included and there is temptation to collect information on all of them. Doing this often bogs the evaluation down and compromises it with extensiveness. The purpose of the evaluation and the expected uses of the finding should guide the committee on selecting which goals and objectives are necessary for inclusion in the evaluation. Once this is done, the goals and objectives that are included must be redefined and written as outcome objectives that are operationalized and measurable.

CHAPTER VII

EVALUATION OF PRACTICUM INTERVENTION AND PERSONAL LEARNING GOALS

The evaluation of the practicum intervention was done utilizing a twofold process which, focused on evaluating: (1) the extent to which the evaluability assessment objectives were achieved and assessing the effectiveness of the intervention; and, (2) determining the extent to which my personal learning objectives were achieved.

Assessing the Achievement of Evaluability Assessment Goal and Objectives

The goal of the evaluability assessment was as follows: To get agreement on realistic measurable program objectives, to agree on appropriate program performance information before a full scale evaluation is done, and to agree on the intended use of program performance information. However, once the evaluability assessment had commenced I realized that, this goal as it is stated, is somewhat incomplete. I am now aware that although the stated goal is indicative of what would ideally be achieved upon completion of the evaluability assessment, not achieving this does not mean that the evaluability assessment was a failure.

What I have come to understand is that, often evaluability assessments can be considered successful when their products reveal that the program is not articulated or implemented in such away that would support a full blown evaluation. Consequently, the goal of the evaluability assessment was changed to read as follows: *To assess the Child Protection*

Mediation Pilot Project to determine whether or not the program was structured in a manner that would facilitate an evaluation of it effectiveness, and to include an analysis of the purpose of the evaluation and the feasibility of the implementation of the required methodology.

In order to achieve this goal, seven objectives were identified and pursued. All of the evaluability assessment objectives were successfully achieved in two stages. The first stage was to conduct a program analysis of the Child Protection Mediation Pilot Project which included the following objectives:

1. I accumulated, articulated and reviewed all of the information from proposals; drafts, staff working papers and literature published from other existing child protection mediation programs. When all available information was compiled, a program document model and flowchart was developed to identify the program components, goals and objectives.
2. Once this was completed, I identified and interviewed the primary stakeholders of the evaluation. The products of these interviews resulted in the creation of a Program Managers' Model and Advisory Committee Model.
3. I then, ventured out into the field to determine what had actually happen for family service workers, who had cases that proceeded through mediation.
4. After having completed these models, the information was aggregated and a Consensual Evaluable Model was completed. The Consensual Evaluable Model revealed the program components and goals and objectives that could be considered in the evaluation.

The second stage of the evaluability assessment that was to conduct was a feasibility analysis, which included the following objectives:

1. To determine if the feasibility of evaluating the program, I analyzed the program design, and its implementation.
2. Once this information was gathered, I then went on to determine the purpose of the evaluation and the information needs of those who authorize it.
3. Finally, upon completion of the program analysis and the feasibility analysis, the information was reviewed and I made recommendations to enhance the evaluability of the program.

Upon completion of the seven objectives, I feel as though I have achieved the goal and objectives of the evaluability assessment. After doing this, I have determined that the Child Protection Mediation Pilot Project requires further refinement and a few modifications to its design and implementation strategies before it is ready to facilitate a methodological and meaningful evaluation. Considering that the evaluability assessment aims to make a "go-no go" decision regarding program evaluation, this assessment may provide very helpful information to Winnipeg Child and Family Services. The agency may decide that, at this time, they are not willing to allocate the time and resources needed to enhance the evaluability of this program. They may decide to make the necessary changes and go ahead with the evaluation or a decision may be made to terminate the pilot project all together.

Assessing the Effectiveness of the Intervention

In addition to the successful completion of the evaluation objectives, there were basically two other ways in which the effectiveness of the practicum intervention was determined, first a feedback questionnaire was administered to all the key stakeholders that were identified and interviewed. Secondly, the effectiveness of the intervention was measured doing the Utilization Enhancement Checklist (Brown & Braskamp, 1980).

Feedback from the stakeholders

The Feedback questionnaires were administered to all the stakeholders that were interviewed. **(Please see Appendix C).** The questionnaires were designed to elicit feedback on my performance as an evaluator. The first question queried as to whether the stakeholder felt as though I had sufficient knowledge about the Child Protection Mediation Pilot Project to conduct an evaluability assessment of the program. The response to this question was unanimously, yes. Phrases such as "absolutely" and "she is an enthusiast" were some of the comments offered. The next question asked the respondents if they felt as though I possessed enough skill and knowledge to conduct an evaluability assessment. Again, the answer to this question was "yes". Comments such as "it is clear she has done her reading" and that "she is aware of the complexities involved in a evaluability assessment" were offered in the feedback form.

The third question in the feedback form was whether the program documents model was presented in an organized and understandable fashion. Most of the feedback for this question was positive however, one respondent felt as though some areas were reviewed

quite quickly. Other respondents stated that I was "well organized and was open to any questions and feedback" and that "the document articulated the program very well". Finally, the last question asked whether the respondents felt as though I was able to answer and/or clarify any questions that they had as a result of the program document model or interview questions. The responses to this question were very positive. One comment that was made was that I displayed "superior knowledge and showed exceptional skill and understanding of the program".

Considering this feedback, I feel that as an evaluator, I have done a good job in demonstrating sufficient understanding of the Child Protection Mediation Pilot Project. In addition to this I feel as though the feedback displays evidence that the key stakeholders unanimously feel that I possess the skill and knowledge required to conduct an evaluability assessment.

The Utilization Enhancement Checklist

The utilization Enhancement Checklist (Brown and Braskamp, 1980), served as another self-examination tool which, I used to determine my effectiveness as an evaluator. In my proposal, I stated that I would complete the checklist two time during my practicum, once after the program analysis and then again after the feasibility analysis. However, when I started my practicum, it appeared to make more sense to do the checklist during the program analysis phase. The primary reason for this was so that I could get feedback from the checklist during the program analysis phase and still have the opportunity to improve my role as an evaluator.

To this end, I completed the checklist two times during the course of my practicum, once during the program analysis phase of the evaluability assessment and then again after the evaluability assessment was complete. **(Please see Appendix A for a copy of the checklist)**. The checklist consisted of 50 items that were organized into five broad categories consisting of 10 items each. The five categories were as follows: determining the evaluator's roles; understanding the organization context; planning the evaluation; conducting the evaluation; and communicating the evaluative information. Each item was worth two points and then added. The score interpretations are as follows: 25 or less—don't expect much to happen as a result of your efforts. Most likely you information will be ignored or gather dust on a shelf somewhere; 26-50—you may be called back later to do another evaluation, but don't count on it. Perhaps you might get a publication for you efforts, but the world won't change; 51-75—somebody may actually do something different as a result of the evaluation, especially if it already reinforces what he or she was already thinking; 76-100—Be careful? You may be so effective that some may have you earmarked to be an administrator, even though you have no desire to be one.

My goal was to achieve at least a score of 51 or better on the checklist. I felt as though if I achieved this score then I would my intervention as effective. I actually achieved a score of 61/100 the first time I completed the checklist. Based of these, I was able to determine where my strengths and weakness could be found. After reviewing this information I utilized it as a guideline to improve on the areas that received a weaker score. The second time completed the checklist my score was 76/100. This showed a

fairly significant increase in score, which I interpreted as an increase in the effectiveness of my intervention.

Assessing the Achievement of My Personal Learning Goal

My personal learning goals were identified as follows: To develop an in-depth understanding of and obtain hands on experience in conducting an evaluability assessment. At the proposal stage of my practicum I identified four personal learning objectives that, if achieved would ultimately indicate that I have achieved by broader personal learning goal.

My personal learning objectives were as follows:

1. To learn the history of program evaluation

While I researched and accumulated the information and skill required when conducting an evaluation, I read a great deal about the history of evaluation and its impact on social programs. In addition to this, while I was doing my initial literature review, I learned about the different stages of program development and what types evaluation methods are useful at the different stages.

2. To develop skill necessary to conduct an evaluability assessment which, included the following: developing a Program Documents Model, a Program Managers Model, an Advisory Committee Model, and a Consensual Model and to conduct a feasibility analysis.

While conducting the evaluability assessment on the Child Protection Mediation Pilot Project, I utilized the book, Planning Useful Evaluations, by Leonard Rutman (1980) which, provided step-by-step instructions that could be used as a guideline. Initially, I was somewhat unclear as to how I would proceed with applying these step-by-step instructions to the Child Protection Mediation Pilot Project. The information I was gathering was primarily geared towards programs that had been implemented for a period of time and to some degree been formalized. When I engaged in this evaluability assessment, it became clear to me that the developmental stage of the Child Protection Mediation Pilot Project had a profound effect on how I conducted the assessment. The fact that this program was considered to be at the innovative stage, had just been implemented and not yet been formalized, impacted significantly on what was required to develop a Program Document Model. This coupled with the fact that the milieu within the agency was not conducive to the introduction of an innovative program, required me to be flexible in the steps that were required in the evaluability assessment. Fortunately, I was able to be flexible in the use of the prescribed steps and was required to develop alternative approaches to better suit the program. Rutman's (1980), evaluability assessment tool was developed in such a way that encouraged evaluation planners to do this.

When I was conducting the program analysis phase of the evaluability assessment, I found it quite challenging. Although the Committee had agreed on the type of model and goals that would be utilized, there was no formal program guidelines or structure in place. The only information about the program that was available was some literature that had

been gathered and passed out at the committee level. Based on this information, the Committee decided that they did not have to "reinvent the wheel" but that they would utilize the already developed mediation program that was currently in place at C.A.S. Toronto, Ontario as a base for Winnipeg Child and Family Services mediation program. The Committee agreed that the program would adopt the goals, the selection criteria, and the disqualifying criteria as they were stated in the Toronto program. Unfortunately, this was the only formal articulation that the Committee made about the program. The remainder of the information such as the program rationale, the objectives, activities, and other significant parts of the program were only vaguely implied. Consequently, much of the information had to be flushed out and formalized. I found this to be a very onerous task; however, it was essential in order to develop a Program Documents Model, Program Mangers model, Committee model and the Consensual Evaluable Model.

This being said, I feel as though this task has forced me to become intimate with the literature on child protection mediation and I now feel as though I possess a great deal of knowledge and skill with respect to mediation and its application to child protection. Creating the models has afforded me the opportunity to review the literature, which in turn provided me with an excellent starting point of understand the context of the program. This process has helped me gain an understanding of what information is essential to include in a program or what the program is lacking, in order to enhance its evaluability.

The combination of learning about child protection mediation and evaluability assessments has lent to, what I feel, is the successful accomplishment of this learning goal. I feel that these skills will assist me in future situations were I may need to decide whether certain information or aspects of programs are crucial and necessary.

3. To conduct productive and informative interviews.

During the course of the evaluability assessment I utilized interviews as a means collecting data. During these interviews I came to realize that there are several things that influence an interview. First, I came to understand that who is included in the interview impacted significantly on my ability to collect data. I identified the stakeholders of the Child Protection Mediation Pilot Project to insure that all invested parties have an opportunity to have input into the evaluability assessment. The inclusion of others who do not have a vested interest would increase the difficulty, in not only the interview, but would also cause the gathering of unnecessary data.

Second, the questions as well as the wording impacted the on interview. When I developed the questionnaire I used the questions listed in Rutman (1980), as a guideline. After I reviewed the interview transcripts and the questions that were asked, I acquired some important lessons. I think that perhaps I should have looked at the interview questions a little closer and attempted to make alterations or adaptation to the questions that would have made them more suitable for the Child Protection Mediation Pilot Project. I think asking questions utilizing evaluation jargon may have caused some

interviewees not to respond to questions as fully as they could have had the questions been asked using simpler language. For example, using words like possible causal linkages could have been stated in more understandable fashion.

In addition, I found that perhaps I was speaking a little too fast at times and not allowing the person that I interviewed a chance to digest the question. I think that in future interview situations I will ensure that I speak a little slower and perhaps ask the interviewee, if they understood what was being asked of them.

The other lesson that I learned about conducting interviews is that outside influences can also impact on the interview. In this situation the milieu within the agency, I believe, impacted on my ability to conduct productive and informative interviews. Although the interviews that I was able to conduct were quite productive, I became increasingly that I was not able to interview all of the people I felt should have occurred in order to collect data. The reasons for this were primarily due to the devolution process, which included massive changes and potential serious effects on its employees and the deteriorating membership and interest in innovative programs. This coupled with the natural attrition that has happened in the agency, cause decline in committee members. The stakeholders have changed and the committee membership has decreased dramatically during the time that had lapsed from the onset of the program until the evaluability assessment was being conducted. Those people who had valid input at the beginnings of the program did not participate in interviews, consequently important data from these people was not gathered. The degree of importance of the interview was also apparent in that people who

were supposed to participating in interviews either failed to attend or had to leave prior to the conclusion of the interview.

Considering all of this, I feel that I did achieve this learning goal. In the interviews or parts of the interviews that I was able to conduct, I feel as though I did gather productive information and that I was able to keep the interviewees engaged in the activity. However, the lesson that I learned about adapting questions to suit the interviews, modifying my speed during the interviews, including only people with vested interests in the interview subject, certainly will assist me in future interview situations. I not only have to change some of my techniques, but also to realize the influences that can inhibit an interview regardless of those techniques.

4. To develop skills in areas such as data gathering, analysis, and good written communication.

In order to have successfully achieved the three personal learning objectives listed above I feel that skills in data gathering, program analysis and good written communication were accomplished. This combined with the positive results of the feedback questionnaire, the guidance of the Utilization Enhancement Checklist, and the critiquing done in my journal have all lent to the successful completion of this objective.

Assessing Achievement of Personal Learning Objectives

In order to determine whether I had successfully achieved my personal learning goal, which was: To develop an in-depth understanding of and obtain hands on experience in

conducting an evaluability assessment. I identified four personal learning objectives that would ultimately indicate that I have achieved my broader personal learning goal. I feel that I have successfully achieved the goals and objectives based on the completion of the learning objectives.

In addition to the successful completion of these objectives, I have also been tracking my personal learning by way of a journal. In this journal kept a detailed log about my activities, my observations, my learning experiences, my opinions about those experiences, and about the different situations and politics that I encountered while conducting the evaluability assessment. Much of the information that is included in the feasibility analysis, the recommendations, and the personal learning objectives sections of this paper, were solicited from my journal. When reading the journal and reflecting back over the evaluability assessment, I have seen a great deal of growth in my attempts to deal with uncertainty, instability, uniqueness and value conflicts that have occurred along the way.

I also used the journal as an avenue in which I would critique myself with respect to achieving my personal learning objectives. I noted a number of suggestions as to how the evaluability assessment process could have been improved and the areas in which my performance as an evaluator could have been better.

Analysis of the Evaluability Assessment Model

My practicum involved the evaluability assessment of the Winnipeg Child and Family Services Child Protection Mediation Pilot Project. This project was considered to be an innovative program, in that, it had not yet been subject to implementation and assessment. The aim of the evaluability assessment was to assist in the development and implementation of the program. The products of the evaluability assessment were to identify the program gaps, shortcoming in the planning phase of the program, poorly designed program components, and vague and implausible objectives. In utilizing evaluability assessment model, I discovered that with its application came a number of benefits and limitation.

After completing the evaluability assessment and assessing the feasibility of implementation the program, I realized its true value. In conducting such an assessment at this particular developmental stage of the program, it afforded the Child Protection Mediation Pilot Project Committee the opportunity to consider the feedback from the assessment. In doing so, amendments could be made to the program, which would lead to more relevant, credible and usable evaluations. In addition to this the evaluability assessment also provided the users of the evaluation the opportunity to become involved in the evaluation planning process and allow the primary users to define their information needs.

Finally, the evaluability assessment model will provide the committee with recommendations as to how to enhance the evaluability of the program. This will

provide the essential information that committee needs in order to create or chose the appropriate measurement tools, prior to the program being implemented. Starting the evaluation at the onset of the program enables the committee to gather data as the program progresses. This would provide an opportunity for the committee to have ongoing feedback about the programs effectiveness.

Notwithstanding all of the above noted benefits of the evaluability assessment model, I discovered a few limitations of the model. It was unclear to me whether the evaluability assessment model is set up in such a way that the evaluator that completes the evaluability assessment, also is the one that goes on to complete the full blown evaluation. If this is the case, then the information is easily understood and utilized. However, should this not occur and there is a change in evaluators, there is no indication of how detailed information that was gathered in the evaluability assessment is to be transferred to the evaluator so that effort are not duplicated.

The other limitation I found when I was utilizing the evaluability assessment model was that it was unclear where the evaluability assessment stopped and the evaluation began. In making recommendation to the committee I was uncertain as to whether I was to provide very broad instructions, for example "the need to operationalize program objectives" or was I to attempt to assist them by making very detailed recommendations such as operationalizing the objectives? If the program had shortcoming in the program design and implementation, should I still go on to make recommends about the type of

research design and methodology that should be utilized, or is that the job of the evaluator once the evaluability assessment is completed.

Finally, the last limitation is that once the committee had an opportunity to heed the recommendations made in the evaluability assessment, who determines if the recommendation are implemented correctly? Does the evaluator who conducted the evaluability assessment come back to ensure all the recommendations were interpreted and implemented correctly or is that the job of the evaluator, hired to do the full blown evaluation?

Summary

In summary, this experience has afforded me the skills and knowledge required to conduct an evaluability assessment. In the initial literature review, I learned a great deal about the dynamics of child welfare, mediation, child protection mediation, evaluation, stages of programs and evaluation, and evaluability assessments. I was then able to assist in the Child Protection Mediation Committee in articulating and formalizing the program, based the program documentation and literature agreed upon by the committee. I then gained experience in interviewing stakeholders, committee member, and family service workers in order to collect the data that is required to attain a consensual evaluable model.

Once this was completed I then utilized the skill and the knowledge that I had gained through the literature review and through conducting the evaluability assessment, to

analyze the feasibility of conducting an evaluation on the Child Protection Mediation Pilot Project. Based on these finding, I was then able to make recommendations to Winnipeg Child and Family Services, that I feel would enhance the evaluability of their program. All of this learning was associated with and lent to, the ultimate achievement of the evaluability assessment goal and objectives as well as and my personal learning goal and objectives

I think that the evaluability assessment model is an excellent model to utilize when developing or implementing an innovative program. This type of evaluation can provide immediate feedback that will enable the user to make modification in the program structure, the program implementation, and the data collection methods while the program is being implemented. The evaluability assessment will also ensure that the information needs of the primary users are considered, ensure that the types and volume of information needed to meet the purpose of the evaluation are collected, and ensure that adequate resources are available.

EPILOGUE

Upon completion of the evaluability assessment it was determined that, at this time, the Child Protection Mediation Pilot Project could not sustain a meaningful evaluation. In order to assist Winnipeg Child and Family Services in moving this program forward so that a meaningful evaluation can be done, I will make further recommendations as to how to move the program from this point forward. This will be done based on the products of the evaluability assessment.

First, the people who hold decision making powers within Winnipeg Child and Family Services and the Directorate need to be provided with the opportunity to learn about the positive impact that can be achieved when applying mediation to child protection cases. This is essential so that the people that hold the power within the agency buy into the program, which in turn will create incentive for program promotion and implementation. Once this is done, the next step would be to reconvene the committee to determine whether or not the committee members are committed to the program. Failure to have committed membership at the committee level will certainly impact negatively on the program.

Once incentive for the program is secured at the government, executive and committee level, it must be determined whether or not the agency is willing or able to allocate the appropriate amount of resources and staff to the program. In order for this program to move forward someone who is passionate about the application of mediation to child

protection cases must be designated to head the program. This would require the allocation of a staff member to the program. Failure to appoint a person with passion to this position will likely result in a lack of incentive to promote it. This staff member would be responsible for the promotion of the program at all levels within the agency and would ensure that the program moves forward from its current state. In addition to this the responsibility of fiscal management of the program would also be allocated to the head of the Child Protection Mediation Pilot Project.

Once the allocation of a is staff granted by agency, they must be willing to allow the committee the time that is required to address the evaluability issues that were exposed in the evaluability assessment. Once this is done the committee should the reconvene and the findings of the evaluability assessment should then be presented. The first task at hand after the presentation of the evaluability assessment will be for the committee members to determine which goals and objectives are going to be included in the in the evaluation. When doing this the committee should consider the section of the evaluability assessment that address the purpose of the evaluation and the expected uses of the findings.

Once the goals and objectives that will be considered for inclusion in the evaluation are selected the second task is to write the objectives in an operationalized and measurable manner. This means that the objectives need to be written as outcome objectives that are clearly defined. For example words such as to increase, to improvement and to decrease all need to be defined in ways that reflects the amount of increase, improvement, and

decrease that is required before the program goal would be considered successfully achieved.

When the goals and objectives are clearly defined and operationalized, it is then time for the head of the program and the agency to select an evaluator for the Child Protection Mediation Pilot Project. In order to do this an appropriate amount of funding should be allocated for the evaluation of the program. On average, it is estimated that approximately 1-10% of the total program budget should be allocated to the evaluation. The amount of funding required in this program will be directly related to the intensity of the evaluation. If the committee includes all of the goals and objectives listed in the consensual model a number of different measurement tools will be required. However, should it be decided that only one or two goals and objectives will be included in the evaluation fewer tools will be required, therefore using less funding.

When the funding is allocated an evaluator may then be brought on board to assist in the development of appropriate measurement tools. This will ensure that all the necessary data is collected to meet the informational needs of the primary users of the evaluation. Once the tools are established the head of the program can then commence collecting the data and monitoring referrals to make certain that all cases that proceed through mediation fall within the selection criteria. Once this is done the information can be aggregated and analyzed to determine if whether or not the Child Protection Mediation Pilot Project met its intended goals and objectives.

The final suggestion that I would make, at this time, is that consideration needs to be given to the timing at which this program is be implemented. The evaluability assessment exposed that the current situation of the agency and the accompanying milieu could certainly impede on the success of this program. Consequently, considerable thought by the committee and the agency is required when reaching a decision about program promotion and further implementation.

References

Barsky, A. E. (1995). The Essential Aspect of Child Protection Mediation. (Doctoral dissertation, Toronto University, 1995). Dissertation Abstracts International.

Barsky, A. E. (1996). Mediation and Empowerment in child Protection Cases. Mediation Quarterly. Vol. 14 (2). 111-134.

Barsky, A., & Trocme, N. (1998). The Essential Aspects of Mediation in Child Protection Cases. Children and Youth Services Review. Vol. 20 (7). 629-656.

Brown, R. & Braskamp, L. (1980). Summary: Common themes and a checklist. In L. Braskamp & R. Brown (Eds.), Utilization of evaluative information (pp. 94-97). San Francisco: Jossey-Bass.

Brownlee, A. (1998). An Evaluability Assessment of a Family Reunification Program. Unpublished master's practicum, University of Manitoba, Winnipeg, Manitoba, Canada.

Carruthers, S. E. (1996). Mediation in Child Protection and the Nova Scotia Experience. Family and Conciliation Courts Review. Vol. 35 (1). 102-126.

Dye, J., (1983). What is Mediation?. In Context. Vol. 4. 145-148.

Gabor, P., Unrau, Y. & Grinnell, R. (1998). Evaluation for social workers: A quality improvement approach for the social services. Boston: Allyn & Bacon.

Kellberg, V. (1990). An Evaluability Assessment of a Second Stage Housing Program. Unpublished master's practicum, University of Manitoba, Winnipeg, Manitoba, Canada.

Landau, B., Mesbur, R., & Bartolletti, M. (1987). Family Mediation Handbook. Toronto: Butterworth.

McHale, M. J. (1996) Mediation and the Protection of Children: A case study of a Child Apprehension Project. Unpublished manuscript.

McNeilly, K. G. (1997). Mediation and Child Protection: An Ontario Perspective. Family and Conciliation Courts Review. Vol. 35 (2), April. 206-222.

Maidman, F. (Ed). (1984). Child Welfare: A Sourcebook of Knowledge and Practice. New York: Child Welfare League of America.

Maresca, J. (1992). Mediation in Child Protection: Limitless or Limited Possibilities.

Maresca, J. (1995). Mediating child Protection Cases. Child Welfare League of America. May-June. 732-742.

Mayer, B. (Ed.). (1984). Conflict Resolution in Child Protection and Adoption. Mediation Quarterly. Vol. 7. 69-81.

Palmer, S. E. (1989). Mediation in Child Protection Cases: An alternative to the adversarial system. Child Welfare, 68, 21-31.

Rossi, P. H., Freeman, H. E., & Rosenbaum, S. (1982). Evaluation: A Systematic Approach. (2nd ed.). Beverley Hills, California: Sage Publications, Inc..

Rossi, P. H., & Freeman, H. E. (1985). Evaluation: A Systematic Approach. (3rd ed.). Beverly Hills: Sage Publications.

Rossi. P. H. & Freeman, H. E. (1989). Evaluation: A Systematic Approach. (4th ed.). Newbury Park, CA: Sage.

Rossi, P. H. & Freeman, H. E. (1993). Evaluation: A Systematic Approach. (5th ed.). Newbury Park, CA: Sage.

Rossi, P. H., Freeman, H. E., & Lipsey, R. (1999). Evaluation: A Systematic Approach. (6th ed.). Newbury Park, CA: Sage.

Rutman, L. & McEwen, N. (1985). Alberta Education: Evaluability assessment of library services. Edmonton: Alberta Education.

Rutman, L. (1984). Evaluation research methods: A basic guide. Beverly Hills, CA: Sage.

Rutman, L. (1980). Planning useful evaluations: Evaluability assessment. Beverly Hills, CA: Sage.

Savoury, G. R., Beals, H. L., & Parks, J. M. (1995). Mediation in Child Protection: Facilitating the resolution of Disputes. Child Welfare League of America. May-June. 743-761

Wholey, J., Hatry, H., & Newcomer, K. (Eds.). (1994). Handbook of practical program evaluation. San Francisco: Jossey-Bass.

Wildgoose, J., & Maresca, J. (1994). Mediating child protection cases: Project Report. Kitchener, ON: Network—Interaction for Conflict Resolution.

Appendix A
UTILIZATION ENHANCEMENT CHECKLIST[1]

Directions: There are fifty items below, which focus on self-analysis, understanding the organizational context, planning and evaluation process, and communication. The checklist can serve as a guideline as you conduct an evaluation or as a self-examination after you complete an evaluation. To serve these multiple purposes, all items are written in the present tense.

A. Determining the Evaluator's Role

1. Assess level of personal congruence with the program's general goals and consider withdrawing if the incongruity may result in unnecessary conflicts.
2. Determine extent of personal commitment to the importance of conducting an evaluation of this program.
3. Analyze degree to which personal value and opinions about the program are publicly advocated by the evaluator.
4. Determine appropriate share of responsibility for utilization.
5. Specify activities related to educational roles as well as a data-gathering, information-providing role.
6. Make sure that consulting skills, time references, and personnel are available to conduct a utilization-focussed evaluation for the program.
7. Ensure that sufficient technical skills, time resources, and personnel are available to conduct a utilization-focused evaluation.
8. Establish congruence between personal role perception (data-gathering, consultant, expert, recommended, change agent) and audience expectations.
9. Determine willingness to spend time with program staff in activities that are not directly related to the evaluation (for instance, informal lunches).
10. Establish a sense of credibility and trust with the program director, staff and other audiences.

B. Understanding the Organizational Context

1. Obtain and study the organizational chart.
2. Identify the names of key people within and outside the organization.
3. Identify the decision-makers and potential users of evaluation information within and outside the organization.
4. Understand the policy-making process of the organization.
5. Determine which decisions and policies are made a result of the evaluation.
6. Know when decisions are made.

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[1] Brown, R. & Braskamp, L. (1980). Summary: Common themes and a checklist. In L. Braskamp & R. Brown (Eds.). Utilization of evaluative information. San Fransisco: Jossey-Bass, pp. 94-97

7. Determine which staff and other users should be consulted as the evaluation is planned and conducted.
8. Determine whether the sponsor of the evaluation is committed to the evaluation activity and uses evaluative information.
9. Determine the information sources and channels within the organization.
10. Trace the path and impact of previous evaluations in the same setting and determine how this affects the evaluation.

C. Planning the Evaluation

1. Make sure there is clear understanding of the evaluation role (that is formative or summative).
2. Set up specific sessions in which the evaluation plan and its implementations are discussed with key persons.
3. Assess the implications of decisions based on the evaluation that affect personnel.
4. Assess the political implications of decisions based on the evaluation that affect personnel.
5. Determine the likely sources of resistance to negative evaluation results.
6. Determine the likely sources of resistance to positive evaluation results.
7. Determine the freedom to provide evaluative information to various audiences.
8. Determine strategies for dealing with potential conflict and tension between program director/staff and evaluator.
9. Design an evaluation plan that will have technical credibility and provide needed information.
10. Establish a mutual problem-solving approach with the program personnel and decision-makers.

D. Conducting the Evaluation

1. Make sure that everyone understands the purpose of the evaluation.
2. Involve key personnel in determining the purposes, issues and general evaluation strategies.
3. Involve representatives of potentially affected groups in making decisions about instrumentation and data sources.
4. Be accessible to program staff during the evaluation to learn of and share perspectives from which each is interpreting the information.
5. Collect data from multiple sources.
6. Make sure the data collection instruments and procedures are understandable and relevant.
7. Have informal as well as formal meetings with key persons.
8. Maintain a mutual problem-solving relationship with staff and administrators throughout the evaluation.
9. Collect information needed, but only that.
10. Adapt the evaluation plan to meet changing information needs.

E. Communicating the Evaluative Information

1. Make periodic informal reports or presentations.
2. Ask program staff, especially those most affected, to assist in interpreting the findings.
3. Communicate major findings when available and considered appropriate; do not wait for the formal report deadlines.
4. Share rough drafts or preliminary thoughts with key persons before making a final presentation.
5. Write different reports for different audiences.
6. Make presentations understandable and easy to follow.
7. Link presentation to key issues and decisions.
8. Make sure that all audiences receive the evaluative information in sufficient time prior to key decision-making events.
9. Keep written reports brief.
10. Use several media (slides, charts) when making formal presentations.

Score Interpretation: Here are some rough guidelines for interpreting the results of your analysis. Allow two points for each question answered positively.

25 or less	Don't expect much to happen as a result of your efforts. Most likely your information will be ignored or gathers dust on a shelf somewhere.
26-50	You may be called back later to do another evaluation, but don't count on it. Perhaps you might get a publication for your efforts, but the world won't change.
51-75	Somebody may actually do something different as a result of the evaluation, especially if it already reinforces what he or she was already thinking.
76-100	Be careful! You may be so effective that someone may have you earmarked to be an administrator, even though you have no desire to be one.

Final Consensual Evaluable Model

The Final Consensual Model was an aggregate of all of the information that was gathered from, the Program Documents Model, the Managers Program Model, and the Committee Program Model. It was from these models that the analyst could arrive at a consensual program model, which included program components that were agreed to by the key stakeholders and advisory committee. If agreement could not be reached, then those components in which discrepancies existed would not be included in the Consensual Program Model. However, each model that was developed allowed for various groups or individuals to have their expectations and discrepancies delineated.

The Rationale for Developing Winnipeg Child and Family Services' Child Protection Mediation Pilot Project

Winnipeg Child and Family Services is aware that parents, in the Province of Manitoba, and throughout Canada are deemed to have the skills and competence that is necessary to raise their children. It is only when parenting falls below the standard of care which society deems is appropriate, that the state, through the offices of Child and Family Services, intervenes in the lives of families (Wildgoose & Maresca, 1993). When parenting falls below the minimal standard, which is acceptable by society, an intervention to secure children from abuse and neglect is required (Barsky, 1995, Carruthers, 1997, Wildgoose & Maresca, 1993).

Although each family and their situation is unique, the type and the degree of intervention which can be imposed upon families is carefully regulated by the law, as it is

set out in Manitoba's *Child and Family Services Act* (The Act). It is in accordance with this Act, that a mandated Child and Family Service representative investigate reports that indicate that a child may be in need of protective services. According *to The Child and Family Services Act*, services must be delivered with the underlying declaration that families and children have the right to the least interference with their affairs to the extent compatible with the best interests of children and the responsibilities of society. Providing services to families and their children under such a declaration can pose many challenges and at times seem impossible given the inherent nature of child protection services.

The rationale for the project is premised on the belief that when the mediation process is applied to child protection cases, a more effective and empowering resolution is reached in a shorter time period, with less expense. Mediation, is a voluntary process of dispute resolution involving the parties and, a neutral impartial mediator, which re-vitalizes and restructures the communications between the family service worker and their client (Wildgoose & Maresca 1993). The mediation process is non-coercive and seeks to build communication rather than inhibit it. It creates a problem solving structure that places the family and the family service worker on the same team, rather than as opponents. The mediator encourages the parties to identify and articulate their needs and interests, as opposed to pitting parties as adversaries. Considering that legal counsel is absent in the mediation process, scheduling with courts, lawyers and judges is not an issue. Consequently, the problem solving and communication building process is significantly expedited.

Why Refer?

For family service workers that constantly deal with child protection cases destined for the adversarial arena, alternate innovative techniques are needed to: avoid the conflict that accompanies the court process, to decrease the amount of time required to prepare for court, and to realign the balance of power. With the application of mediation to child protection cases these dynamics can change significantly.

When mediation is applied to child protection cases the family service worker and the client work together, with a mediator, to resolve the conflict. The onus is not on the worker to develop a plan and force compliance on the client. The idea is that both the client and family service worker participates in the creation of a consensual solution. These solutions are more durable than orders imposed by the court, leading to greater compliance by the client. (Meresca, 1995). This was confirmed, in a Mediation Pilot Project that was conducted at the Children's Aid Society of Metropolitan Toronto (CAS). It was determined that mediated solutions yielded more durable agreements. In each of the cases in which resolutions were reached in mediation, there was full compliance with the terms of the agreement, and in at least one case the CAS was able to close the file (Meresca 1992). Compliance to treatment plans may result in the earlier return of children, an increase in the amount of time family service workers spend providing direct client services, and improved relationships between family service workers and families.

The pilot project in Toronto also provided evidence that mediation was a more timely way to resolve child protection disputes. Of the cases that were referred to mediation,

workers estimated that they spent between 17% and 50% of the time that would have been spent in court had the matter not been resolved in mediation. It was also determined that once a referral was made to mediation, the process only took between one and three months to complete (Meresca 1992).

Another finding of the project was that there was general user satisfaction with the mediation process. The majority of the clients felt that they were heard fairly, and that they were able to actively participate in the process. Most indicated that the agreement reached was a fair one and could be followed. In addition to this, the impact of the mediation process on the individuals involved was dramatic. The assumption of personal, direct responsibility for one's own action, and for the ultimate outcome of the case was reported by the client to be frightening, intimidating, exhilarating, threatening, liberating, and empowering.

Finally, the pilot project concluded that the mediation process was a cost-effective method of resolving disputes. A conservative estimate from the CAS legal service department indicated that a contested case costs their Agency between $1500.00- to $1800.00, strictly for lawyer time. This did not include worker time, the costs of running a courtroom, judge's time, Legal Aid costs etc. The average cost of the mediations conducted was $710.44, with the most expensive costing $1190.00 (also not including the workers time).

The Structure

In recognition of the inherent challenges in providing services to children and their families, Winnipeg Child and Family Services took the initiative to create a Child Protection Mediation Pilot Project Committee. To bring the project to fruition an Advisory Committee was struck in December 2001. The primary purpose of the committee was to gather literature and information from other currently successful mediation projects in Canada, and to create and implement a model into Winnipeg Child and Family Services.

Originally, the pilot project had an advisory committee that was made up of a number of members that included representation from the Winnipeg Child and Family Services executive management, management, legal team, frontline family service workers, as well as the Director of Family Conciliation. The Advisory Committee was struck with the full support of the Director of Family Services and Housing, Child Protection Support Branch.

Unfortunately, due to the increasingly changing milieu within the child welfare system in Manitoba, the actual members of the committee has changed significantly. Shortly after the committee was struck, the Director of Family Conciliation was appointed to a new position as the Director of Family Services and Housing, Child Protection Support Branch. Consequently, he was no longer able to participate at the committee level.

However, it was noted that the Mediation Pilot Project continued to have the full support of the Directorate. In addition to this many of the original members of the committee were no longer with the agency, had moved to other programs within the agency, or had other obligations that prevented them from participating within the committee. Notwithstanding all the changes in the system, the committee still maintained representation from each of the following areas: executive management, management, legal and frontline family service workers.

Funding

The Child Protection Mediation Pilot Project received funding from the Family Services and Housing, Child Protection Support Branch. On April 26, 2001 a letter was sent to Mr. Lance Barber, the former Chief Executive Officer of Winnipeg Child and Family Services advising that $50, 000.00 was allocated to the agency to spend during the 2001/02 fiscal year. It is also noted that any additional future funding would be directly dependent upon the success or failure of the mediation program.

Although the funds have been allocated to the Mediation Program, it was noted that Family Services and Housing is already operating in a deficit position, however, the Director has agreed to further incur a deficit to provide funding for this program.

Service Model

Client Population

The client population targeted for the Child Protection Mediation Pilot Project is cases, which fall within the Services to Children and Families Program of Winnipeg Child and

Family Services. This includes only cases that have proceeded through the Crisis Screening and Intake Units, and have been referred for ongoing family service. This means that only cases that are open to the agency and are considered to have legitimate ongoing child protection concerns, as outlined by the Child and Family Services Act, will be considered for the mediation project.

Case Selection Criteria

Once the committee had an opportunity to review the literature published by other existing child protection mediation programs, an agreement was reached to extrapolate case selection criteria from an already existing successful program model. The following case criteria information was borrowed from the literature produced by the Toronto Child Protection Mediation Program, which was created and introduced by Wildgoose and Maresca (1993). The model states that prior to a case being referred to the Child Protection Mediation Pilot Project, certain case selection criteria must be considered. They are listed as follows:

1.) The immediate physical safety of the child/children must be assured. (This was documented to be the most important criteria. If the child is in care at the point of the referral then the case may be referred to mediation. However, if the child is not in care, the child's safety must first be assessed and assure prior to a referral.)

2.) The case must be en route to the adjudicative arena or already before the courts.

3.) All parties must be able to comprehend the process and participate fully. Parties that suffer from severe psychological/psychiatric issues, extreme behavioral issues, severe

substance abuse or cognitive impairment would be unable to participate in the process.

4.) All participation must be voluntary, and participants must be motivated to preserve the relationship with their child or their family unit.

5.) All parties must agree that not dealing with the conflict/issue is unacceptable.

6.) No participant that is involved in the mediation can hold the balance of power. (If there is a history of family violence within the case that is referred, it must be assured that all parties are capable of negotiating without intimidation. Prior to the case being referred to the mediation project, the family service worker must assess whether there is ongoing domestic violence between the parties, which is done by using information gathered from the client as well as other community resources. The mediator at the point of referral again assesses this issue.)

7.) At the onset of the mediation process all issues to be mediated must be clearly identified and understood by all participants.

8.) All alternatives to mediation need to be considered including the child/children's apprehension. Prior to the mediation commencing all parties must be aware if an apprehension will result if the mediation process is unsuccessful.

In addition to the case selection criteria listed above, Maresca and Wildgoose (1993) have also identified a number of issues that disqualify cases from being referred to the mediation project. Based on best practice and the theoretical underpinning of mediation,

the committee agreed that the following disqualification issues must also be adopted and adhered to by the Child Protection Mediation Pilot Project.

The disqualifying criteria are as follows:

1.) Where family violence is so severe that at least one party is not capable of negotiating due to intimidation.

2.) Where a party is so mentally handicapped or emotionally impaired that they are unable to understand the process or to negotiate so as to make their interests known.

3.) Where a party suffers from an uncontrolled substance abuse problem that renders them unable to negotiate.

4.) Where an assessment of the family is ongoing.

5.) Where there are outstanding criminal charges relating to or impacting on their ability to parent.

6.) Where one party refuses to participate.

Aside from the above stated criteria there does not appear to be any specific demographic information that would disqualify a case from being referred to the mediation program. Issues such as age, economic situations, sex, and ethnic origin do not appear to be factors that interfere with the potential for a case to be forwarded to the mediation program.

Goals and Objectives of the Child Protection Mediation Pilot Project

The goals and objectives for the Child Protection Mediation Pilot Project were derived from the information and literature gathered by the advisory committee. Although the

goals of the program were again borrowed from the literature published by the Toronto Mediation Program, the objectives had to be drawn out of the drafts and literature gathered by the committee, then adapted to meet the jurisdictional and legislative requirements of the CFS Act. The goals and objectives were agreed upon and articulated by the stakeholders and the advisory committee as outlined in Table 4.

Table 5– Consensual Program Model Goals and Objectives

Goals	**Objectives**
1.0 Realign conflict resolution	1.7 To provide a continuum of service to families. 1.8 To decrease the conflict between clients and the agency 1.9 To increase the opportunity for communication of interested parties 1.4 To reduce the interlocutory battles that emerge in the court proceedings.

2.0 Empower clients and promote competence in both the client and the family service worker	2.17To increase the opportunity for all parties to articulate their interests. 2.18To increase the opportunity for equality of all parties. 2.19To increase the opportunity to include extended family and/or advocacy systems. 2.20To increase the opportunity for clients to articulate and participate in resolving the issues confronting them and their children. 2.21To increase the effectiveness and efficiency of case planning for families and their children. 2.22To increase the compliance to resolutions reached. 2.23To improve problem solving skills for clients. 2.24To increase professional development of family service workers. 2.25To increase mediation skills for family service workers. 2.26 To provide a new technique which family service workers can utilize when working with clients.

3.0 Earlier resolution of child protection cases	3.15To reduce the number of court appearances in cases. 3.16To decrease the number of trials. 3.17To reduce the legal costs associated with increased court appearances and/or trials. 3.18To reduce the costs associated with placing and maintaining children in care, while awaiting case resolutions. 3.19To reduce the length of time children spend in apprehension status and in temporary care.

	3.20To reduce the cost associated with the number of days in care for children in protection services. 3.21To redirection of resources from courts to client related services.
4.0 Improve working relationships between family service workers and families.	4.12To increase the opportunity for family service workers and clients to work co-operatively, instead of working as adversaries. 4.13To increase honesty and trust by client and family service workers. 4.14To improve parent/child relationships. 4.15To improve the relationship between family service workers and their clients. 4.16To decrease the need for future protective services. 4.17To increase compliance to ensure child safety.
5.0 Reduce the workload of family service workers.	5.9 To reduce the time required to prepare for court proceedings. 5.10To reduce the time required preparing for court appearances and/or trials. 5.11To increase the amount of time family service workers spend providing direct client services. 5.12To increase the amount of time family service workers have do family assessment and make appropriate referrals to other needed resources for clients.

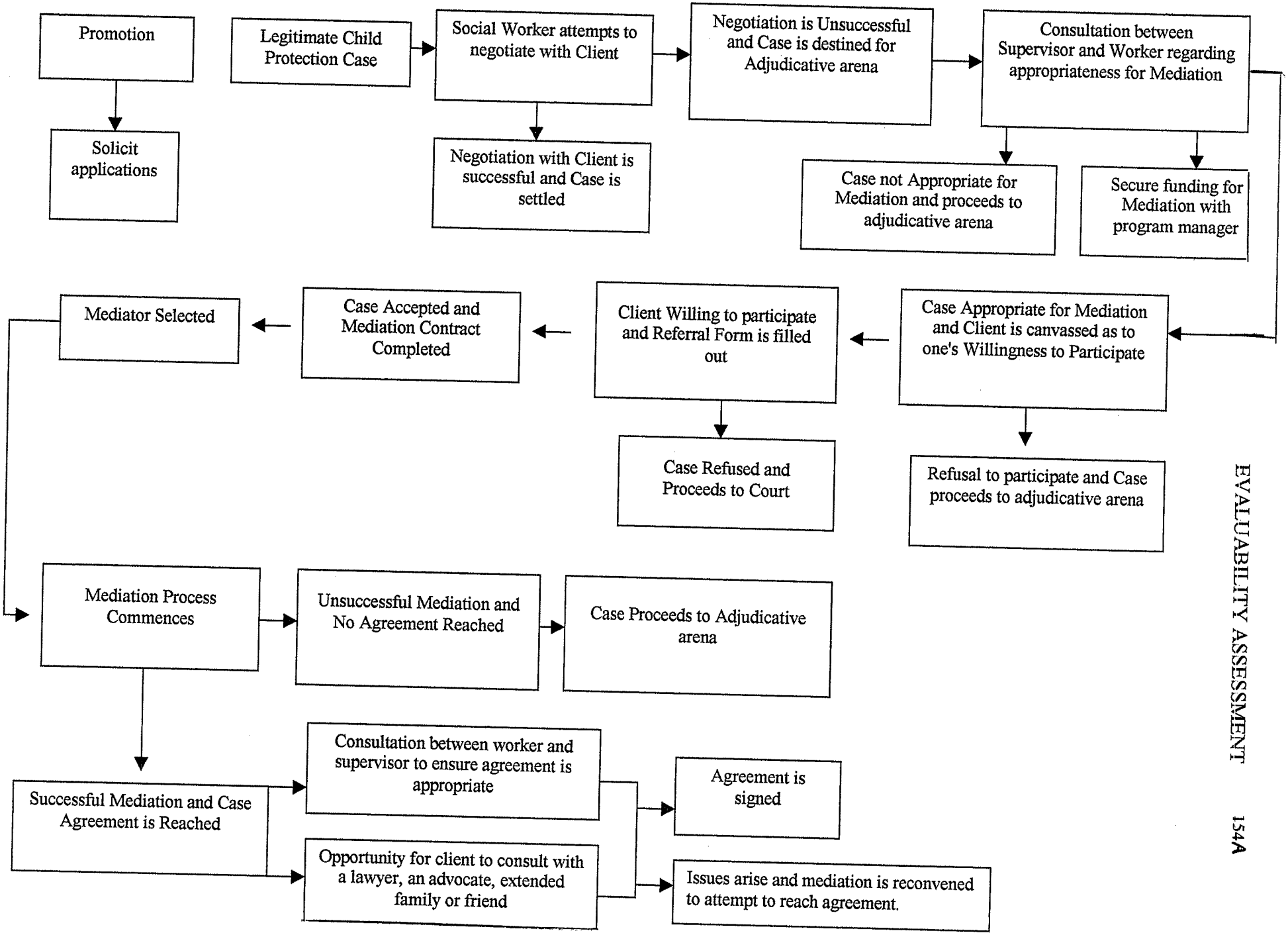
Referral Process and Mediation Program Activities

The following information regarding the components of the mediation program was agreed upon and articulated by the stakeholders and the advisory committee members. The information was then amalgamated into a flow chart, (please see Figure C. p. 154A)

The first component of the Program that was identified was a promotional component. It was stated that the success of the Mediation Program would greatly depend on how well program paraphernalia was distributed and explained to family service workers within the agency. Without this component family service workers would not understand how mediation could be used as a new and innovative tool when working on protection cases. Unfortunately, how this component operates or how information will be distributed, was not articulated.

Referrals to the Mediation Program have been identified as coming from the Services to Children and Families Division of Winnipeg Child and Family Services. The referral process is delineated as follows: Once the case is deemed to have legitimate child protection concerns the family service worker attempts to negotiate a treatment plan with the client. If the negotiation is unsuccessful, the family service worker and the supervisor may identify the case as suitable for the mediation project. The Program Manager is then contacted to secure funding for the mediation. Should funding not be available, mediation is not considered for the case and it proceeds to court. If funding is secured the mediation option is presented to the clients to ascertain whether all parties are willing to voluntarily participate in the mediation process. If any member of the family refuses to

Final Consensual Evaluable Model Flowchart



voluntarily take part in the mediation, the referral process is void and the case continues into the adjudicative system. However, should a family agree to participate in the mediation project, the referral form is completed by the family service worker and signed off by a supervisor.

The referral forms are then sent to the current Program manager, who will in turn re-assess the case to ensure it meets the necessary criteria. If upon re-assessment it is determined that the case does not meet the required criteria, the supervisor/worker are notified and the case will be directed into the adjudicative arena. However, should a case meet all required criteria, it is approved.

A list of all approved mediators is then sent to the supervisor and worker. The worker then meets with the client, at which time a mediator is chosen and agreed to by both parties. The worker then contacts the mediator and the mediation process begins.

If no agreement is reached as a result of the mediation process, the case is then redirected back to the adjudicative arena. However, should all parties reach an agreement, the mediation is considered to be successful. The terms of the agreement are then provided to each of the participants for review. The client is encouraged to review the agreement with a lawyer or other relevant parties. The family service worker consults with the supervisor to ensure that the agreement is acceptable. After this is complete the parties return to the mediation session to either "sign off" the agreement or continue the

mediation process to make revisions to the agreement. Once a final agreement is reached it is then "signed off" by the client, family service worker, and supervisor.

It is also noted that if the agency plan changes significantly at anytime during the referral or mediation process the family service worker must notify the mediator and the mediation is terminated.

Mediator Qualifications

Much of the literature reviewed indicates that in order for a child protection case to be effectively mediated, the mediator needs to possess many necessary qualifications that are vital when dealing with the highly complex issues that accompany child protection cases (Maresca, 1995).

First, it is important that the mediator possess good family mediation skills. Training in generic mediation is not sufficient to handle the complex family dynamics that Child Protection cases present. The mediator must have experience and training in managing family interactions and conflicts.

Second, the mediator must have a good appreciation of the child welfare system in Manitoba. A good grasp of the legal framework of the Child and Family Services Act

is necessary when options for settlements are negotiated, to ensure legislative requirements are met. It is also helpful to know what resources are available to the clients in the system, and how to access those resources. An appreciation of the mandate and function of a family service worker employed by Winnipeg Child and Family Services is also essential to the successful mediation of these cases. This is necessary to ensure that the mediator understands the parameters under which the family service worker bases his/her positions of interests.

Third, the mediator must be sensitive to issues relating to children. It is not uncommon for children who are being considered for the mediation sessions to have had life experiences that include neglect, abuse or other high-risk activities. The mediator must be sensitive to the child's position in the family, his or her conflicts. The mediator should have the skills to be able to interview children effectively, and communicate their views sensitively.

Fourth, the mediator must be aware of indicators of abuse for children and parents. The mediator must be able to evaluate the ability of the parties to participate in the mediation process without feeling intimidated or coerced. The mediator needs to be alert to the possibility of undisclosed abuse or how that may impact on the parties.

Finally, the mediator must be skilled at redressing the power imbalance between the parties. There is great disparity in this type of mediation between the relative ability of

participants to communicate their needs and to effectively negotiate. The mediators have the difficult task of ensuring that all parties are able to put their positions and their interests forward and to bargain with the other parties. Consequently it is essential that all mediators utilized are skilled and trained in this area.

Considerations prior to the Mediation Commencing

The model of mediation that is currently being utilized in other agencies in this country was developed to insure that mediation services are provided in an efficient, effective, and fair manner. However, according to June Maresca (1995), several basic issues must be considered prior to mediation commencing.

First, the mediator must ensure that all cases meet the criteria for mediation. Second, all parties to the mediation must be clearly defined. To promote communication between the parties, they should meet face-to-face to try to work out their differences without intervention of counsel. However, the rights of the parties are protected by communication between the mediator and counsel outside of mediation sessions, so that counsel are informed of all discussion during mediation sessions. No party is permitted to sign an agreement at the mediator's office, rather the client is asked to bring a potential settlement to outside significant others such as a client's lawyer or a family service workers supervisor for review prior to implementation.

A child's viewpoint or participation in the mediation process is materialized in a variety of ways. If counsel represents children, their counsel is contacted and interviewed, however, their lawyer is not involved in the joint mediation session with the other parties. If children have enlisted or are involved with services offered by the Children's Advocate both child and/or the Children's Advocate are invited to participate. In addition, the Mediator will meet with the child, if possible, to determine whether the child able to articulate their position. The chronological age of the child is not the determining factor for participation in mediation sessions. Inclusion is based on the child's social, emotional and cognitive development. Participation is done either by an individual interview with the mediator, or by participating in the joint sessions.

Third, the confidentiality of the process has to be established by the mediator. Typically a hybrid model of confidentiality is utilized when conducting mediation sessions. Before commencement of mediation, parties are asked to agree in writing that they will not ask the mediator to testify or provide a report. This is done to ensure that, the mediator is not used by any party to advance their case. The parties, however, are free to use any information from the mediation process in any subsequent litigation. It is noted that this does not relieve the mediator from the responsibility to report information that suggests child abuse as set out in the Child and Family Services Act.

Finally, it must be assured that the mediator is impartial, neutral and sufficiently trained. The parties have to be confident that the mediator is independent of any agency or identified interest group that might influence the mediator's response to any of the

parties. Usually, the mediation sessions are held at a location that would not detract from the neutrality of the process.

The Mediation Model

The following mediation model was borrowed from literature produced by June Maresca, (1995), and was adapted to meet the jurisdictional and legislative requirements of the CFS Act. The model was developed based on the above listed case selection criteria, the goals/objectives of the program, the components of the program, mediator qualifications, and considerations prior to mediation commencing.

When a referral is made, the mediator speaks with the family service worker, by telephone, and if need through an individual session with the required family service worker. These initial contacts are done to accumulate background information about the parties involved in the case, the circumstances of the dispute, and information about the court proceedings (if any). Issues such as addictions, mental illness, inability to communicate, and intimidation are screened. Also at this time, the question as to whether any of the children involved in the case would be able to participate in the mediation session is canvassed. The worker is asked to identify the agency's interests regarding the resolution of the dispute. The mediator then provides the worker with a copy of the mediation contract, and is asked to share the contract with his or her supervisor before the joint mediation session begins.

The mediator then meets with each of the other parties individually. Background information is elicited concerning the dispute, court, and the parties themselves. Of particular importance in these session are questions regarding ability to communicate effectively, intimidation, and any other considerations that might affect bargaining ability. Each party is asked to identify his/her needs and interests. A copy of the mediation contract is given to each party and explained. Each individual is asked to take the contract away to think about it and is given an opportunity to consult counsel if they so desire, or in the case of family service worker an opportunity to consult with his/her supervisor.

If the child has counsel and/or an advocate, they are contacted for information and considerations similar to those involving parents and family service workers are discussed. If the child is old enough and willing to participate, the child is interviewed separately. Counsel or advocates for the children, and/or the children if they are old enough, are given a copy of the mediation contract on the same basis as the other parties.

After individual interviews are conducted, the parties are brought together in the office of the mediator to begin discussion. The contract for mediation is reviewed again, and is signed by all parties. The issues for mediation are defined, and an agenda is created. Each party is asked to speak to each item, stating his or her needs and interests, and what he or she would require to settle the matter. When the parties have communicated the information to each other, the parties, with the assistance of the mediator, begin to generate options to meet the identified needs and interests. Each party's input is solicited

in the generation of possible solutions, and all needs must be met, as far as possible. This stage often takes one meeting, however it may take more. If consensus is reached, the mediator writes down the agreement and reads it back to the parties. The parties are then advised that the mediator will send each of them a letter setting out the tentative agreement for review. If any members of the mediation sessions are underrepresented they are reminded that they can contact legal counsel if they so desire.

If consensus is not reached, the mediation is terminated, and the parties are free to pursue other remedies or may take their case back into the adjudicative arena. However, if consensus is reached and the courts are awaiting the resolutions from the mediation session, the agreement is read to the courts, and becomes fact of legal record.

Feedback Form

In order to determine where the strengths and weaknesses of the evaluator lie, it is important to solicit feedback from the primary stakeholders of the evaluability assessment. Consequently the following questionnaire is being provided to all that have participated in the individual interview process. Please answer the following question and return the form in the enclosed envelope.

1. After viewing the program document model do you feel that the evaluator possess sufficient understanding of the Child Protection Mediation Pilot Project to conduct an evaluability assessment of the program?

2. Do you feel that the evaluator displayed sufficient knowledge and skill necessary to conduct and evaluability assessment?

3. Do you feel that the program documents model was presented in an organized and understandable fashion?

4. Do you feel that the interviewer was able to answer and/or clarify any question you had as a result of the program document model or interview questions?