

Evaluation of the Legal Assistance Request (LAR) Grants and Contributions Program

Final Report

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Commissioner of Canada (PSIC)**

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List of Acronyms

Abbreviation	Description
GGI	Goss Gilroy Inc.
LAR	Legal Assistance Request Grants and Contributions Program
PSIC	Office of the Public Sector Integrity Commissioner
TBS	Treasury Board of Canada Secretariat
Act	Public Servants Disclosure Protection Act

1.0 Introduction

The Office of the Public Sector Integrity Commissioner of Canada (PSIC) engaged Goss Gilroy Inc. (GGI) to conduct an evaluation of the Legal Assistance Request (LAR) Grants and Contributions Program. The evaluation was conducted in compliance with the coverage requirements outlined in the 2016 Treasury Board *Policy on Results* and the *Financial Administration Act*. Accordingly, the evaluation focused on the issues of relevance, design and delivery, effectiveness, and efficiency. The evaluation covered a five-year span (April 1 2013 to March 31 2018). This report presents the key findings, conclusions and considerations to inform the future of the program and program enhancement recommendations. It includes an overview of the methodology employed, a program description and logic model.

2.0 Background

The PSIC is an Agent of Parliament with approximately 30 employees reporting directly to Parliament. It was established in 2007 to administer the Public Servants Disclosure Protection Act (the Act).¹ In accordance with the Act, PSIC receives and investigates disclosures of wrongdoing in/ or relating to the federal public sector and complaints of reprisal from federal public servants. The LAR program provides funding for legal advice to any eligible person involved in proceedings or an investigation under the Act. Access to legal funding may also be provided to any person who is considering making a protected disclosure of wrongdoing or a reprisal complaint. The program operates with an annual budget of \$40,000 and receives, on average, 30 to 40 requests each year. The Commissioner has the discretionary authority to approve access to funding for legal advice to any person who qualifies, with the following considerations:

- A contribution of up to \$1,500 is available to assist with legal advice.
- In exceptional circumstances, up to \$3,000 may be provided for access to legal advice.
- Recipients must not have access to free legal advice by other means.
- In the case of persons who are considering making a disclosure of wrongdoing, they may qualify to receive funding for legal advice only if the Commissioner is of the opinion that their disclosure likely constitutes wrongdoing and is likely to lead to an investigation.²

¹ <https://www.psic-ispc.gc.ca/eng/resources/decision-making-guide>

² <https://www.psic-ispc.gc.ca/eng/wrongdoing/legal-advice>

3.0 Methodology

3.1 Data Collection

To help guide the data collection for the LAR evaluation an evaluation matrix, including the evaluation questions, indicators and the sources of data were developed (see Appendix A). Further, the GGI team (in collaboration with PSIC) prepared a logic model for the program (see Appendix B) to help map the program activities (“what the organization does” in terms of the most important work tasks); the key outputs produced (“what the organization produces” arising from these activities); as well as the intended immediate, intermediate and long-term outcomes (“what difference does the program make”).³ Evaluating the extent to which LAR achieved its objectives and expected outcomes required multiple lines of inquiry including: a document /data review, key informant interviews and a survey of recipients.

3.1.1 Document/Data Review

Approximately 75 documents were reviewed, including materials provided by PSIC. A list of the documents and websites included for the purposes of the review, as well as a list of the scanned countries, are found in Appendix D. Document types consisted of PSIC decision letters, annual reports, departmental performance/results reports, and communications tools for example. Further, a web-based scan was also undertaken to determine whether the countries included in PSIC’s International Legislative Comparative Tables document offered any programs similar to the LAR program. In this case, the generalized search included terms such as “whistleblower legal advice/assistance country X”; “legal help/aide (for) whistleblowers country X”; “whistleblower legal aide”, etc. Individual country’s legislation (i.e., their whistleblower Acts) were searched as well.

3.1.2 Key Informant Interviews/Focus Groups

Key informant interviews with stakeholders were conducted to gather more in-depth information about the program. A total of 7 interviews and 1 focus group⁴ were completed with 10 program stakeholders including: PSIC management and staff (internal), Treasury Board of Canada Secretariat (TBS) policy group (external) and senior integrity officers for internal disclosures (external).

³ Outcomes are the key focus of the logic model as they effectively show the intended results of the program, thereby demonstrating accountability for the difference that the organization (specifically, the programs and services delivered) makes.

⁴ The focus group consisted of 3 PSIC staff

GGI prepared two interview guides and an email invitation letter for review and approval by PSIC prior to scheduling interviews (Appendix C). PSIC was responsible for translating these instruments and sending out invitations to respondents notifying them that GGI will be contacting them to invite them to an interview. When contacting the key informants, GGI confirmed their interest in engaging in the consultation process before scheduling a time for an interview. The project authority was notified of any unanticipated non-responses where their assistance in contacting the informants might be helpful. The interview data was captured for each key informant and rolled up across all respondents.

3.1.3 Web-based Survey

The evaluation methodology included an anonymous and confidential web-based open survey of LAR funding recipients (individuals who applied for LAR funding). The survey was launched on May 16th 2018 and closed on June 7th 2018. The original sample included 85 LAR applicants.⁵; However, 2 applicants could not be reached during the evaluation timeframe (one individual did not have a personal email address and the other had an incorrect postal code on file). As such, a total of 83 individuals were invited to participate in the survey in the end.

GGI drafted an email (including information about the evaluation and how to participate in the survey) for PSIC to review and translate (Appendix C). Although, GGI was responsible for the design of the survey instrument (Appendix C) as well as programming, analysis and reporting, due to the confidential nature of the sample frame, PSIC played an active role in assisting GGI to administer the survey- including sending the invites and reminders to participants. The invitations consisted of a survey link that GGI was not able to trace back to any individual respondent. Of note, due to email address related challenges only 47 individuals were sent an email invitation (including 2 reminder emails). The remaining 38 individuals were sent one mailed letter invitation with the survey link provided.

A total of 29 individuals responded to the survey (with 8 individuals only partially completing the questions) for a response rate of 34%. There were a total of 6 individuals that identified as having applied twice for funding. There were no respondents that identified that they had applied to the LAR 3 or more times. The majority of survey respondents (n= 17) were public servants who *made or considered making a disclosure* under the Act.

The survey data was cleaned and coded prior to conducting in-depth data analysis. The analysis of the survey data considered overall frequencies and was incorporated into the final report.

⁵ Although 137 LAR applications had been submitted to PSIC up to the end of fiscal 2015-16, 16 individuals submitted two or more applications to the program over time reducing the sample to 83.

3.2 Analysis and Reporting

3.2.1 Analysis

GGI team members collaborated on the analysis and synthesis of the information gathered from each method and developed findings for each evaluation question. A primary goal was to ensure that all analysis was sufficiently transparent and explicit to produce robust and reliable findings that an independent team using the same evidence base would be highly likely to reproduce. Our proposed approach to data analysis was characterized by the following considerations:

- *Transparency* – we assume that any reviewer or user of an assessment should be able to look through the various documents and deliverables produced and determine how a certain finding was derived, and how it was used in the analyses. We tend to avoid “black-box” reviews in which the analyses are not documented in a manner that would allow an informed reader to follow the process.
- *Systematic process* – By establishing a process for analysis *a priori*, we are able to ensure that the analysis will cover specific issues, and be structured in a manner that considers all data collected. As well, systematic analysis allows the reviewer or user to see the logical flow of analysis.
- *Explicit weighting of evidence* – With multi-method, multi-source reviews, various pieces of evidence will be weighted or integrated differently depending on the purpose of the review, quality of the data, and various assumptions. If the analysis is sufficiently transparent and systematic, then reviewers and users of the review should be able to comment directly on the assumptions and weighting used by the consulting team, and provide feedback and direction on additional considerations or alternatives to consider during the analysis process.

3.2.2 Reporting

GGI developed this draft report and will finalize this document in an iterative fashion in order to obtain feedback from the project authority. Accordingly, based on the comments from the preliminary draft report, GGI will revise the report and provide a final version.

3.3 Limitations

While the evaluation is based on a sound multiple lines of evidence approach, a few limitations should be noted.

- Participation in the survey was voluntary, anonymous and confidential. Therefore, representativeness of the survey sample (geographical and demographic information) cannot be assessed. As well, for many survey participants, feedback is based on their limited experience with the program and, therefore, ongoing impacts are difficult to measure.

- The core methods identified for the evaluation could not include a broad-based canvassing of stakeholders. To obtain the views of program stakeholders, albeit with a limited number, key informant interviews were conducted. Direct feedback from end-users, union representatives and legal professionals was not collected due to the confidential nature of the program.

4.0 Findings

4.1 Relevance

4.1.1 Need for the LAR program

Demand and perception of need for LAR

According to program documentation, since the inception of the LAR program up until the end of the 2015-16 fiscal year, 137 requests had been made for legal advice support (with 85 unique requests). Interviewees noted that there is currently no mechanism in place to obtain regular feedback from LAR recipients in regards to their experience with the program; however, seeking such feedback may have implications for the maintenance of program participant’s confidentiality. That said, there was a general agreement among stakeholders that there is a continued need for the LAR grants and contributions program. By way of example, when survey respondents were asked about the importance of the program (Table 1) of those that responded to this question⁶ (n=24) almost all (92%) said it was very important.

Table 1: Relevance of the LAR

How important do you think it is for eligible individuals to have access to funding for legal advice related to a disclosure of wrongdoing or reprisal complaint?	Very important	22	91.7%
	Somewhat important	0	0.0%
	Not important at all	2	8.3%
	Don't know/No response	0	0.0%

⁶ Note that not all 29 respondents answered each question. As such, survey data presented throughout this report will have varying numbers of total responses on each question.

	Total	24	100.0%
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Moreover, 13 out of 14 (or 93%) survey respondents said they would recommend the LAR program to others.

Table 2: Recommending the LAR to others

Would you recommend the Legal Advice Request program to others?	Yes	13	92.9%
	No	1	7.1%
	Don't know	0	0.0%
	Total	14	100.0%

Stakeholders interviewed as part of the LAR evaluation explained that accessing the legal system can be a costly endeavour and LAR helps to alleviate some of this financial burden. Further, it was highlighted that the program helps individuals navigate what can be complex and sometimes intimidating legislation and procedures. LAR was felt to build trust and confidence in the whistleblowing “regime”, to be supportive of individuals’ understanding of their rights, as well as potentially encouraging people to “come forward”. Interviewees also added that the program gives people the opportunity to explore where a potential investigation may be heading and can contribute to the provision of advice to individuals “upfront”, as they are contemplating or heading into filing a disclosure of wrongdoing or reprisal complaint.

Both survey respondents and interviewees felt that there could be implications for eligible stakeholders who do not apply for LAR program. Examples from interviewees on this subject included:

- “they may not understand the process or how long it would take.”
- “it would be an out of pocket expense”
- “they don’t get opinions on the correct recourse”
- “they may file something in the wrong forum” (e.g. a grievance)
- “they may feel vulnerable and alone in the process”

Similarly, all survey respondents who were involved in a disclosure⁷ and responded to this question (n= 4) felt that without LAR, their ability to participate in a *disclosure process* would have been

⁷ Public servant who made a disclosure under the Act or A person who was or had been involved in an investigation conducted by a senior officer or by PSIC

impacted to a very great or great extent while 2 out of 3 said their ability to participate in a *reprisal process* would have been impacted to a very great or great extent (66%).⁸

Table 3: Impact of not applying to LAR: Disclosure process

If funding for legal advice had not been available to you through the LAR program, to what extent would this have impacted your ability to participate in a disclosure process ?	To a Very Great Extent	1	25.0%
	To a Great Extent	3	75.0%
	Somewhat	0	0.0%
	To a Small Extent	0	0.0%
	To a Very Small Extent/Not at All	0	0.0%
	Don't know/No response	0	0.0%
	Total	4	100.0%

Table 4: Impact of not applying to LAR: Reprisal process

If funding for legal advice had not been available to you through the LAR program, to what extent would this have impacted your ability to participate in a reprisal process ?	To a Very Great Extent	1	33.3%
	To a Great Extent	1	33.3%
	Somewhat	0	0.0%
	To a Small Extent	0	0.0%
	To a Very Small Extent/Not at All	1	33.3%
	Don't know/No response	0	0.0%
	Total	3	100.0%

According to PSIC's annual reports, between 2007-08 to 2010-11, the PSIC office received similar numbers of new disclosures and reprisals - although disclosures increased by about 20 cases per year for fiscal years 2010-11 to 2012-13, with similar numbers through to present day (approximately 85 per year).⁹ As evidenced in a transcript from a recent parliamentary meeting for Government Operations and Estimates it was indicated that increases in the numbers of disclosures

⁸ Those who were ineligible for LAR funding (n= 12) as well as those considering filing a disclosure or reprisal were not asked this question on the survey (n=10)

⁹ Reprisals have gradually increased over time (however a significant increase was seen in 2011-12).

received is expected to continue and budgetary forecasts are reflective of this. As illustrated in the interviews, there is a perception that society is increasingly litigious and procedures are more “legalistic” (e.g., individuals seek out/require lawyers). Based on this, it can be ascertained that the LAR program meets a continued need more broadly as well.

4.1.2 Program Alignment with Government Priorities

The LAR program was created by the Act and is administered by PSIC. The program provides access to legal advice via the provision of legal support. Overall, PSIC’s mandate is one that aims to strengthen accountability and increase the oversight of government operations by establishing mechanisms and processes to allow for public servants’ reporting of wrongdoing and protection from reprisal. PSIC’s strategic outcome is to ensure that wrongdoing in the federal public sector is identified, detected and reported, while also protecting public servants from reprisal. The legal assistance program ensures that rights to procedural fairness and natural justice are upheld, through its provision of access to legal advice, thus upholding the aforementioned strategic outcome and mandate.

In accordance with the considerations listed under s.25.1 in the Act, the Commissioner may provide access to legal advice to eligible recipients involved in a proceeding or considering a disclosure or complaint. During interviews, the LAR program was presented as complementary, in terms of the content and purpose of the Act itself and as it relates to disclosure and reprisal. As stated by a few interviewees, the Act supports a positive environment within which a public servant can “proactively” disclose wrongdoing, even if their claim is not ultimately accepted. The notion of support came through via other respondents as well, who presented the LAR program as being supportive of the disclosure of wrongdoing and management of reprisal complaints (this will be discussed further in section 4.3).

The review of documentation demonstrates that the LAR program is a unique program that does not appear to be duplicative of other grants and contributions programming and/or resources. This finding was echoed by interview participants. Although some countries do offer government supported (Netherlands) or not for profit (Serbia/UK) agencies that can help specifically with whistleblowing protection needs, within Canada, the LAR differs from what is offered via other legal assistance programs (such as the TBS’s policy on indemnification¹⁰). That is, the LAR program funding is focused specifically on administrative types of investigations. Furthermore, LAR was viewed positively for its ability to preserve consistency for applicants, in terms of processes and procedures. Because indemnification support is offered via departments, which differ from one

¹⁰ The policy on indemnification prevents the public servant from paying legal fees and does not focus on administrative investigations.

another, individuals in those cases may receive differing degrees of support dependent on the department they are in.

It should be noted that one area for potential crossover was mentioned by interviewees. Namely, this related to the similarities to how a union can assist an employee with filing a reprisal complaint. A union, like PSIC, is not providing legal advice, but is providing support and information such as information found in the Act which they might otherwise find via PSIC and the Act directly. However, when interviewees focused on other supports available to individuals, they highlighted supports such as union representation through in-house counsel available to public servants (although not available to everyone), but did not present these as duplicative.

4.2 Design and Delivery

4.2.1 Appropriateness of design and delivery

Perceptions of challenges and barriers affecting access to the program

Program Delivery Challenges

In terms of funding, the program operates with an annual budget of \$40,000 and receives, on average, 30 to 40 requests each year. This allowance is based on the anticipated number of LAR applications and in some years the program has exceeded this estimate. It should be noted that surpassing the projected amount of funds available does not influence the program's decision to continue offering LAR funding to eligible participants since the Commissioner has the discretion to transfer funds from PSIC's overall budget to address this gap if necessary.

Although it was explained by interview respondents that case analysis for LAR applications is a resource intensive activity (previously supported by two on staff lawyers) the recent addition of a paralegal to the team (replacing one of the PSIC lawyer's reviewing the LAR applications) was perceived to help improve efficiencies - Under the direct guidance of a senior lawyer, the team's paralegal is now responsible for receiving the LAR requests including helping to prepare memos and decision letters.

Interviewees also took the opportunity to highlight an important challenge in regards to program delivery. Accordingly, respondents noted that some stakeholders are unclear about the purpose of the program (e.g. spending funds on legal research rather than advice or on legal representation rather than advice). Survey respondents confirmed this finding. Most were generally divided about the clarity of information on the purpose of the program with 10/22 (or 45%) being greatly or somewhat satisfied and 9/22 (or 41%) being greatly or somewhat dissatisfied.

Table 5: Clarity of information about the purpose of the program

How clear the information was about the purpose of the program	Greatly dissatisfied	7	31.8%
	Somewhat dissatisfied	2	9.1%
	Neither satisfied nor dissatisfied	3	13.6%
	Somewhat satisfied	3	13.6%
	Greatly satisfied	7	31.8%
	Don't know/Not applicable	0	0.0%
	Total	22	100.0%

Although, PSIC does not oversee the process of selecting a lawyer for LAR recipients the office does have control mechanisms in place for ensuring funds are not misused. That is, PSIC is responsible for reimbursing lawyers (up to the amount granted) on behalf of the recipient. One interviewee mentioned that some legal invoices are more detailed than others making it difficult for the program to track the type of consultation provided (i.e. how funds were used). Monitoring of the quality of legal advice was suggested as an area for improvement. In this instance, it was framed as helping to determine whether the amount of funding received helps individuals access quality advice.

Barriers to participant access

The majority of survey respondents (12/14 or 86%) did not experience any barriers accessing the program (Table 6). Of the 2 respondents who experienced barriers, they explained that it was in relation to understanding how the process for submitting an application works and the amount of funding provided.

Table 6: Barriers accessing the program

Did you experience any barriers accessing the program?	Yes	2	14.3%
	No	12	85.7%
	Don't know	0	0.0%
	Total	14	100.0%

When interviewees were asked about their views on barriers to participant’s access, a few themes emerged. First, all interviewees discussed program awareness as a potential barrier to access. That said, respondents were also of the view that it was easy to obtain information through PSIC’s website, YouTube channel and/or via PSIC staff (see section 4.3.1 for more information on program awareness). Next, in terms of advice received, interviewees were of the opinion that some recipients may face barriers related to accessing good legal advice in their communities; however, the majority of survey respondents (8 / 12 or 67%) confirmed that they were greatly satisfied with the legal advice they received.

Table 7: Usefulness of legal advice received

Usefulness of legal advice received	Greatly dissatisfied	2	16.7%
	Somewhat dissatisfied	1	8.3%
	Neither satisfied nor dissatisfied	1	8.3%
	Somewhat satisfied	0	0.0%
	Greatly satisfied	8	66.7%
	Don't know/Not applicable	0	0.0%
	Total	12	100.0%

Although the Act permits PSIC to provide legal advice to recipients, the office is not viewed as the entity that should be providing legal advice to recipients. According to one document “[the Commissioner] recognized that as an “independent, neutral, objective, investigative decision making body,” the Commissioner’s Office “may not be necessarily perceived as the right body to provide advice.”¹¹

Also, interview respondents noted that locating a lawyer (in remote communities) or narrowing down the menu of lawyers (in large communities) might present a unique challenge for some recipients. This finding was echoed by survey respondents who were once again divided in terms of their experience finding a lawyer. 6/12 or 50% were greatly or somewhat satisfied with their experience finding a lawyer and 5/12 or 42% being greatly or somewhat dissatisfied (Table 8).

Table 8: Ease of finding a lawyer

Ease of finding a lawyer	Greatly dissatisfied	5	41.7%
	Somewhat dissatisfied	0	0.0%
	Neither satisfied nor dissatisfied	1	8.3%
	Somewhat satisfied	3	25.0%
	Greatly satisfied	3	25.0%
	Don't know/Not applicable	0	0.0%
	Total	12	100.0%

¹¹ Strengthening the Protection of the Public Interest within The Public Servants Disclosure Protection Act: Report of the Standing Committee on Government Operations and Estimates (2017). <https://www.ourcommons.ca/Content/Committee/421/OGGO/Reports/RP9055222/oggorp09/oggorp09-e.pdf>

A minority view from interviewees was that the proactive nature of the program could cause angst for those individuals considering making a disclosure or filing a complaint since these applicants are asked to reveal ahead of time what their disclosure/reprisal would be about.

View of stakeholders on aspects of the program

Ease of finding information

Interviewees agreed that PSIC works hard on their communication products and noted that the office has a dedicated communications resource for this purpose. Interview respondents also agreed that information on the PSIC website is easy to find. One respondent explained that the number of public calls/questions has reduced significantly since the “new web information architecture” was developed in 2013. This finding was echoed by survey respondents, with the majority (13/22 or 60%) being greatly satisfied or satisfied with the ease of finding information about the LAR (Table 9). That said, not all interview respondents were aware that there was a LAR dedicated information page on the PSIC website. Further, although the contact information for the head of communications at PSIC is listed on the website to address media questions, the evaluation team was not able to locate a dedicated contact listed on the LAR webpage for stakeholders to connect with regarding the LAR program specifically.¹²

Table 9: Ease of finding information

Ease of finding information about funding for legal advice	Greatly dissatisfied	5	22.7%
	Somewhat dissatisfied	3	13.6%
	Neither satisfied nor dissatisfied	1	4.5%
	Somewhat satisfied	7	31.8%
	Greatly satisfied	6	27.3%
	Don't know/Not applicable	0	0.0%
	Total	22	100.0%

Application

The LAR application process has recently been improved since the program has moved from a solely paper-based model to adding a “SMART” online form (in January 2018). Overall, interview respondents felt the online application was well received and easy to use. Similarly, the majority of survey respondents were satisfied with the online application - half (11/22) were either greatly

¹² <https://www.psic-ispcc.gc.ca/eng/wrongdoing/legal-advice>).

satisfied or somewhat satisfied while a little over 36% were greatly or somewhat dissatisfied (Table 10).

Table 10: The online application form

The online application form	Greatly dissatisfied	5	22.7%
	Somewhat dissatisfied	3	13.6%
	Neither satisfied nor dissatisfied	0	0.0%
	Somewhat satisfied	7	31.8%
	Greatly satisfied	4	18.2%
	Don't know/Not applicable	3	13.6%
	Total	22	100.0%

A few interviewees thought that adding definitions to the application form could help applicants understand how they fit with the program or whether they are eligible (e.g. difference between disclosure and reprisal, and how the program defines exceptional circumstances).

Decision Timelines

Survey results showed mixed opinions when it came to satisfaction with the timelines of decisions about their funding requests. A total of 10/22 or 45% were greatly satisfied or somewhat satisfied while 9/22 or 41% were greatly dissatisfied or somewhat dissatisfied.

Table 11: Decision timelines

Timeliness of the decision about your funding request	Greatly dissatisfied	6	27.3%
	Somewhat dissatisfied	3	13.6%
	Neither satisfied nor dissatisfied	2	9.1%
	Somewhat satisfied	3	13.6%
	Greatly satisfied	7	31.8%
	Don't know/Not applicable	1	4.5%
	Total	22	100.0%

There are currently no documented internal standards relating to LAR requests; however, interviewees explained that LAR applications are generally processed rather quickly. As explained by interviewees, PSIC's service standards include responding to disclosures and reprisal complaints in a timely manner, which is to complete at least 80% of initial analysis of disclosures within 90

days and 100% of reprisal complaints within the statutory 15 days. Accordingly, this can influence the time that it takes to complete the analysis of the LAR requests. In many instances, LAR requests that are directly related to the applicant's disclosure of wrongdoing or a reprisal complaint are reviewed only once a decision has been made on whether or not to investigate this related matter (as this is an important consideration in assessing the degree to which the applicant may be adversely affected and to degree to which the public interest is affected).

As such, and although the LAR application itself is a separate administrative process, since the application is often received at the same time as a disclosure or reprisal, PSIC staff try to align the decision to approve funding with a decision to investigate/act on a disclosure of wrongdoing and/or a complaint of reprisal.

- *Disclosure:* If a disclosure and LAR application are received at the same time, PSIC's typical process includes reviewing the disclosure before approving the LAR request. However, PSIC staff examines all LAR requests as they are received to determine whether it should be treated on a priority basis. Otherwise, the program strives to respond to a LAR request at the same time as a decision to investigate the disclosure has been made. According to the PSIC website: *a decision to investigate a disclosure of wrongdoing will be made within 90 days of the discloser's first contact with the Office.*¹³ One respondent noted that it was unclear whether or not applicants are informed that the processing of their LAR may be subject to the office's service standards for disclosures and reprisal complaints.
- *Reprisal:* If someone makes a reprisal complaint PSIC will provide a decision within 15 days. Similarly to a disclosure process, if a LAR application is received at the same time as the reprisal complaint, PSIC will strives to respond to a LAR request at the same time as a decision to investigate has been made. According to the PSIC website:¹⁴ *The Act provides a 15-day time limit, from the date when the information on file is complete, for PSIC to determine whether to act on a complaint of reprisal.*

While a few respondents explained that some requests are more complicated, making it difficult to assign timelines, one interviewee was of the opinion that every application should be processed within similar timelines.

***Views of stakeholders on the various aspects of the program also included eligibility and funding amounts; however it should be noted that these two aspects of the program must comply with the statutory requirement.*

¹³ <https://www.psic-ispc.gc.ca/eng/wrongdoing>

¹⁴ <https://www.psic-ispc.gc.ca/eng/wrongdoing>

Eligibility

Interviewees felt that the eligibility criteria under the Act were inclusive of a broad range of stakeholders.¹⁵ That said, in PSIC’s Proposal for Legislative Amendments submitted to the House of Commons Standing Committee on Government Operations and Estimates on February 14, 2017 as part of the independent review of the Act, the Commissioner’s Office proposed an amendment to subsection 25.1(1e) of the Act: “any public servant who is considering making a complaint under this Act regarding an alleged reprisal taken against him or her” - so that former public servants may also be eligible to receive funds for legal advice. Survey results showed mixed opinions when it came to eligibility criteria. Half (11/22 or 50%) were greatly satisfied or somewhat satisfied with the requirements while 9/22 or 41% of respondents were greatly dissatisfied or somewhat dissatisfied with the requirements (Table 12).

Table 12: Decision timelines

Eligibility requirements	Greatly dissatisfied	7	31.8%
	Somewhat dissatisfied	2	9.1%
	Neither satisfied nor dissatisfied	1	4.5%
	Somewhat satisfied	5	22.7%
	Greatly satisfied	6	27.3%
	Don't know/Not applicable	1	4.5%
	Total	22	100.0%

Survey respondents were also asked if they were found to be eligible for funding the first time they applied. Of those that replied to this question (n=25), almost half (n=12) were ineligible the first (and for many the only) time they applied. Some of the reasons given were that:

- PSIC determined they would not be investigating the reprisal and/or disclosure (n=5);
- they had access to legal advice through other means (n=1); or
- the Commissioner was of the opinion that the disclosure of wrongdoing that I was considering making was not likely to lead to an investigation (n=1).

¹⁵ Eligibility criteria are outlined in the Act

Of these respondents who were ineligible the first time they applied, 67% said that not receiving funding had a significant impact on their decision-making or experience with a disclosure of wrongdoing or a reprisal complaint (Table 13).

Table 13: Impact of not receiving funding

(First time) How did not receiving funding for legal advice impact your decision-making or experience with disclosure of wrongdoing or a reprisal complaint?	Significant impact	8	66.7%
	Moderate impact	1	8.3%
	No impact	2	16.7%
	Don't Know	1	8.3%
	Total	12	100.0%

Similarly, of those that submitted a LAR request on a second separate occasion¹⁶ (and answered this question n=5), three were ineligible since PSIC determined they would not be investigating the reprisal and/or disclosure. Of these respondents who were ineligible with their second application, most (3/5 or 67%) also felt that not receiving funding had a significant impacted on their decision-making or experience with a disclosure of wrongdoing or a reprisal complaint (Table 14).

Table 14: Impact of not receiving funding (on a second / separate LAR application)

(Second time) How did not receiving funding for legal advice impact your decision-making or experience with disclosure of wrongdoing or a reprisal complaint?	Significant impact	2	66.7%
	Moderate impact	1	33.3%
	No impact	0	0.0%
	Don't Know	0	0.0%
	Total	3	100.0%

Amount of funding

¹⁶ The second application would be for different circumstances (met different eligibility criteria) or a separate complaint or reprisal for example

LAR funding is statutory based and the range of funds has not changed since the LAR program started. Interviewees pointed out that the amount of funding does not account for inflation.¹⁷ Further, it was explained that the cost of lawyers tends to vary across cities (e.g. may be fee difference in Saskatoon versus Vancouver). Although a few respondents felt that since the program is about consultation and advice the amount is sufficient, the majority of interviewees noted that there are certain circumstances where funding should be increased:

- “when faced with more serious allegations you’re in a different ball game....the one size fits all models may be problematic”
- “if one is under investigation their needs for legal advice is far more expensive”
- “if you are going to be interviewed on things that could impact you job or lend your name on a report to parliament then perhaps more money should be given”.

One survey respondent noted that although she was approved for funding she did not proceed to hire a lawyer as the lawyer fees were too high. Overall, while survey open-ended responses acknowledged the helpfulness of the amount received via the LAR program, the overall legal costs were presented as exceeding the amount provided. Most survey respondents were greatly dissatisfied or somewhat dissatisfied (10/14 or 71%) with the amount of funding provided (Table 15).

Table 15: Amount of funding provided

Amount of funding provided	Greatly dissatisfied	2	14.3%
	Somewhat dissatisfied	8	57.1%
	Neither satisfied nor dissatisfied	1	7.1%
	Somewhat satisfied	2	14.3%
	Greatly satisfied	1	7.1%
	Don't know/Not applicable	0	0.0%
	Total	14	100.0%

Finally, in terms of the funding amounts, one document ¹⁸ speaks to enhanced flexibility, with a focus on allowing the Treasury Boards Secretariat’s President to increase the limit of money allotted to legal advice, to reflect the realities of increasing legal fees more generally.

Data on solicitation process

¹⁷ Act came into force in 2005

¹⁸ Review of the Public Servants Disclosure Protection Act: Proposal of the Public Sector Integrity Commissioner FOR Legislative Amendments (2017)

According to documentary evidence of the 137 total LAR request cases (up to Feb 2017), 52% were approved, 42% denied and 6% withdrawn. Looking at recent numbers, denials were generally (though not exclusively) due to missing/inadequate information, insufficient grounds, and cases being of a personal nature. Program documentation highlighted that most requests are associated with reprisal cases and that recipients are generally rewarded the highest amount allowed (\$3,000 for exceptional circumstances - such as financial hardship).¹⁹ The survey data was consistent with this finding. Accordingly, when applicants who were approved for LAR funding were asked about the amount they received *the first time they applied* (n=13) (Table 16) as well *the second time they applied* (n= 2) (Table 17) the majority confirmed they received between \$1,500 to \$3,000.

Table 16: Amount of funding received first time applied

What amount of funding did you receive the <u>first time</u> you applied?	\$1,500 or less	5	38.5%
	\$1,500 to \$3,000	8	61.5%
	Don't Know	0	0.0%
	Total	13	100.0%

Table 17: Amount of funding provided second time applied

What amount of funding did you receive the <u>second time</u> you applied?	\$1,500 or less	1	50.0%
	\$1,500 to \$3,000	1	50.0%
	Don't Know	0	0.0%
	Total	2	100.0%

4.3 Effectiveness and Efficiency

4.3.1 Achieving intended objectives

Program Outcomes

¹⁹ Limited information was available on exceptional circumstances

Awareness of funding for access to legal advice

One of the short term outcomes of the LAR program resulting from program activities (communication materials and products) was increased awareness²⁰. Although a client satisfaction survey launched by PSIC in 2012²¹ indicated that the majority of disclosers or complaints surveyed were not aware of program, this information was used to inform PSIC's outreach and engagement strategy going in recent years. Overall, the evaluation found several examples of communication tools used to increase program awareness. For example, eligible stakeholders are notified about the opportunity to apply to the LAR program in their individual notice of decision letters (a memo to disclosers that confirms if an investigation will be pursued).²² As mentioned above interviewees credited both the PSIC website and program staff for being good sources of information about the program. Similarly, survey respondents confirmed that the PSIC website and PSIC staff were important resources for learning about the LAR (Table 18).

Table 18: How recipients first head about LAR

Looking through the PSIC's website	14	48.3%
PSIC staff	6	20.7%
Internet search	4	13.8%
Supervisor	1	3.4%
Senior integrity officers within my department/agency	1	3.4%
Other	3	10.3%
Total	29	100.0%

²⁰ Awareness as an outcome was identified in the program's logic model. The logic model is an evergreen document and outcomes may be updated to reflect changes in the program over time.

²¹ Completed by disclosers of wrongdoing and complainants of reprisal whose files were closed during the pilot period which lasted 18 months and began on October 1, 2012

²² Note: the program is not mentioned by name in the memo, but instead highlights that the investigator will let the individual know more information if desired

Also, union members and external senior integrity officers (located within each department)²³ were highlighted as additional avenues for providing messaging/sharing information about the program. Interviewees spoke to the need to help departments promote and explain the program to employees and that “individuals may not come forward if they don’t know about the LAR”. Key informants felt that the Internal Disclosure Working Group (IDWG), which is a regular meeting of senior integrity officers (including PSIC staff), would be a good place to remind individuals of the LAR program as would targeted communications to union reps.

Eligible recipients receive legal advice

Another immediate outcome of the program is that eligible recipients receive legal advice. Evidence relating to this outcome offered by interviewees included that a PSIC receives invoices from each recipient’s lawyer demonstrating that the individual received advice on the matter.

Participants are helped to make an informed decision

An intermediate outcome of the LAR program includes that participants are helped to make an informed decision about a disclosure or reprisal action under the Act. The majority of survey respondents (6/ 14 or 41%) were of the view that the LAR program helped them make an informed decision about a disclosure or reprisal complaint while 5/14 or 36% of individuals neither agreed not disagreed with this statement.

Table 19: Did LAR helped recipients make an informed decision

Helped me to make an informed decision about a disclosure or reprisal complaint	Strongly Disagree	2	14.3%
	Somewhat Disagree	1	7.1%
	Neither Agree Nor Disagree	5	35.7%
	Somewhat Agree	2	14.3%
	Strongly Agree	4	28.6%
	Don't know/ No response	0	0.0%
	Total	14	100.0%

Evidence relating to this outcome was also offered by interviewees included that applicants are required to demonstrate why they need the grant on their LAR application and “before disclosing an act of wrongdoing they are made aware of any legal ramifications though a lawyer which helps them in coming forward or not”. Also, it was noted by key informants that access to the justice system is

²³ It should be noted that orientation documentation for senior integrity officers outlining the roles and responsibilities for senior integrity officers²³ did not mention of LAR program.

made simpler because of LAR and helps confirm the value of their decision after speaking with a professional about their situation.

Participants are better prepared to participate in a disclosure or reprisal process

Another expected intermediate outcome of the program is that participants are better prepared to participate in a disclosure or reprisal process. Half of the survey respondents (7/ 14 or 50%) were of the view that the LAR program helped them better prepare to participate in a disclosure or reprisal complaint process although 5/14 or 36% of respondents neither agreed nor disagreed with this statement (Table 20).

Table 20: Did LAR helped recipients make an informed decision

Helped me to better prepare to participate in a disclosure or reprisal complaint process?	Strongly Disagree	2	14.3%
	Somewhat Disagree	0	0.0%
	Neither Agree Nor Disagree	5	35.7%
	Somewhat Agree	1	7.1%
	Strongly Agree	6	42.9%
	Don't know/ No response	0	0.0%
	Total	14	100.0%

Interviewees also provided evidence of how the program is meeting this outcome:

- “PSIC provided money in the course of a reprisal complaint where the matter was going to conciliation and there was evidence they consulted lawyer and felt that this was agreement they could agree with.”
- “The lawyer is an objective person who can help answer questions.”
- “Once an agency or department knows a witness or disclosure has retained a lawyer then there is a better chance that things are done properly.”

A positive environment for disclosing wrongdoings or filing a complaint

There was a general perception amongst those who participated in the evaluation that the LAR contributes to a positive environment for disclosing wrongdoings or filing a complaint (the programs intermediate outcome). Overall, there was agreement amongst interviewees that the program helps “encourage people to come forward” and provides “access to justice”, as well as “reassurance to individuals involved”. Survey data aligned with these views in that (8/ 14 or 58%) of respondents felt that the LAR program helped them to feel comfortable in their decision to disclose a wrongdoing or file a complaint.

Table 21: Did LAR helped recipients make an informed decision

Helped me feel comfortable in my decision to disclose a wrongdoing or file a complaint?	Strongly Disagree	1	7.1%
	Somewhat Disagree	0	0.0%
	Neither Agree Nor Disagree	4	28.6%
	Somewhat Agree	4	28.6%
	Strongly Agree	4	28.6%
	Don't know/ No response	1	7.1%
	Total	14	100.0%

Key informants also explained that some individuals might feel nervous about a piece of legislation and would appreciate a lawyer explaining it to them.

Unintended impacts

Consolidated feedbacks on the program’s unintended impacts are as follows:

- A few interviewees noted that some recipients received a little bit of support from the program but ended up with a huge bill from their lawyer.
- The lawyer that the recipient selects might not be very knowledgeable on the Act. The program is not able to control if the money is spent on a good lawyer.
- Some interviewees explained some individuals have received a lot of money by applying multiple times and meeting different eligibility criteria *“people involved in multiple proceedings received a lot of money. By virtue of being in 3 or 4 investigations you get a lot of funding enough to give you pretty good advice. The law remains the same for all matters.”*

4.3.1 Cost Efficiency

There was a general perception among those who participated in the evaluation that the LAR program is well administered and produces outputs efficiently. While limited due to a lack of available data, some evidence was accrued about potential efficiencies and areas for improvements. Collected feedback on issues related to efficiencies includes reducing the need for so much documentation, including memos specifically. In the absence of this, it was stated in an interview that processes would be faster and less expensive. Further, some suggested developing a checklist of sorts, including developing one that aligns with s25.1 of the Act, to be used to determine eligibility. However, as previously noted, the use of a paralegal staff to review LAR application contributes to effectiveness and efficiency (cost-saving in terms of salaries).

5.0 Conclusions and Considerations

5.1 Relevance

The LAR grants and contributions program at PSIC remains relevant: The evaluation found a demonstrated link between the LAR objectives and federal government priorities (the Act) and departmental strategic outcomes. The Public Sector Integrity Commissioner has the authority to approve access to free legal advice to any person involved in a proceeding under the Act, up to a maximum of \$1,500, or \$3,000 in exceptional circumstances. It should be noted that for some LAR recipients the amount available may have undermined the relevance of the program (prevented them from hiring a lawyer due to overall costs for example). Accordingly, the program addresses the needs of any person involved in a proceeding under the Act, in their attempt to navigate what can be complex and sometimes intimidating legislation and procedures. Further, LAR supports individuals' understanding of their rights, as well as potentially encouraging people to come forward. The demand for the program remains strong and past recipients of the LAR felt that they would be significantly impacted if they had not received funding. Finally, the LAR program is unique in that it does not appear to be duplicative of other grants and contributions programming and/or resources in Canada. Accordingly, without federal government support for person involved in a proceeding under the Act, trust and confidence in the whistleblowing "regime" may be compromised.

5.2 Design and Delivery

The evaluation found that the LAR program was implemented as designed and intended. The program is well regarded by those who deliver it and makes good use of its resources. Most people who accessed the program are very satisfied with their experience. The majority of LAR recipients did not experience any barriers accessing the program although awareness, accessing good legal advice and locating a lawyer were noted by some stakeholders as potential barriers. Also, future evaluations of the LAR would benefit from access to data on the type of consultation participants obtained (how funds were used) and whether the amount of funding received helps individuals access quality advice.

Information about the LAR program was said to be easy to find; however, the evaluation found that there is room for improved communication between all parties involved in the LAR (senior integrity officers, unions for example). Moreover, adding definitions onto the application form could help improve applicants understanding on how they fit into the program or if they are eligible

(terms such as reprisal, disclosure and exceptional circumstances, for example). Finally, although eligibility and funding are two aspects of the program that must comply with the statutory requirement, there are certain circumstances where increased funding was felt to be needed for eligible recipients. Accordingly, allowing the Treasury Board Secretariat's President to increase the limit of money allotted to legal advice was suggested as one option that could help address the realities of increasing legal fees.

5.3 Efficiency and Economy

The general perception is that the LAR program is well administered and produces outputs efficiently and economically. The evidence indicates the LAR program has made progress in the achievement of short term and intermediate-term outcomes (e.g. awareness: there are activities in place to inform key players about the program). Although stronger empirical evidence is needed to definitively state the extent to which the program has contributed to its longer term outcomes of enhanced public confidence in the integrity of public servants and public institutions and supporting procedural fairness and natural justice of all persons involved in investigations; however, respondents were of the opinions that LAR does indeed contribute to these impacts.

5.4 Considerations

Monitoring and performance: A valuable role for the office could be to gather and share information with LAR recipients showing how funds were spent in the past by others (an educational role). Providing examples of how funds were used could also help ensure recipients are clear on the purpose of the program as well as support discussions around any future revisions to the Act involving adequacy of the amount available for recipients. This type of data could be gathered by requesting more detailed legal invoices from lawyers for example. PSIC should also consider developing performance measures to help determine 1) participant satisfaction with the program (quality of legal advice received) and 2) progress towards the achievement of intended long-term outcomes.

Enhanced communication and awareness: PSIC should continue to explore ways to enhance communication and program awareness including knowledge transfer with senior integrity officers (or other key internal departmental resources for potential program applicants). This could include regular updates or communication materials that can be shared at the internal disclosure working group table (ensuring new members are brought up to speed for example. Similarly, PSIC could consider developing targeted communication to union representatives to ensure recipients are consistently made aware of the program. These tools and approaches could also support PSIC in reaching eligible LAR applicants earlier than currently occurs in the process (i.e. prior to pursuing or considering pursuing a disclosure of wrongdoing or reprisal complaint).

Appendix A: Evaluation Matrix

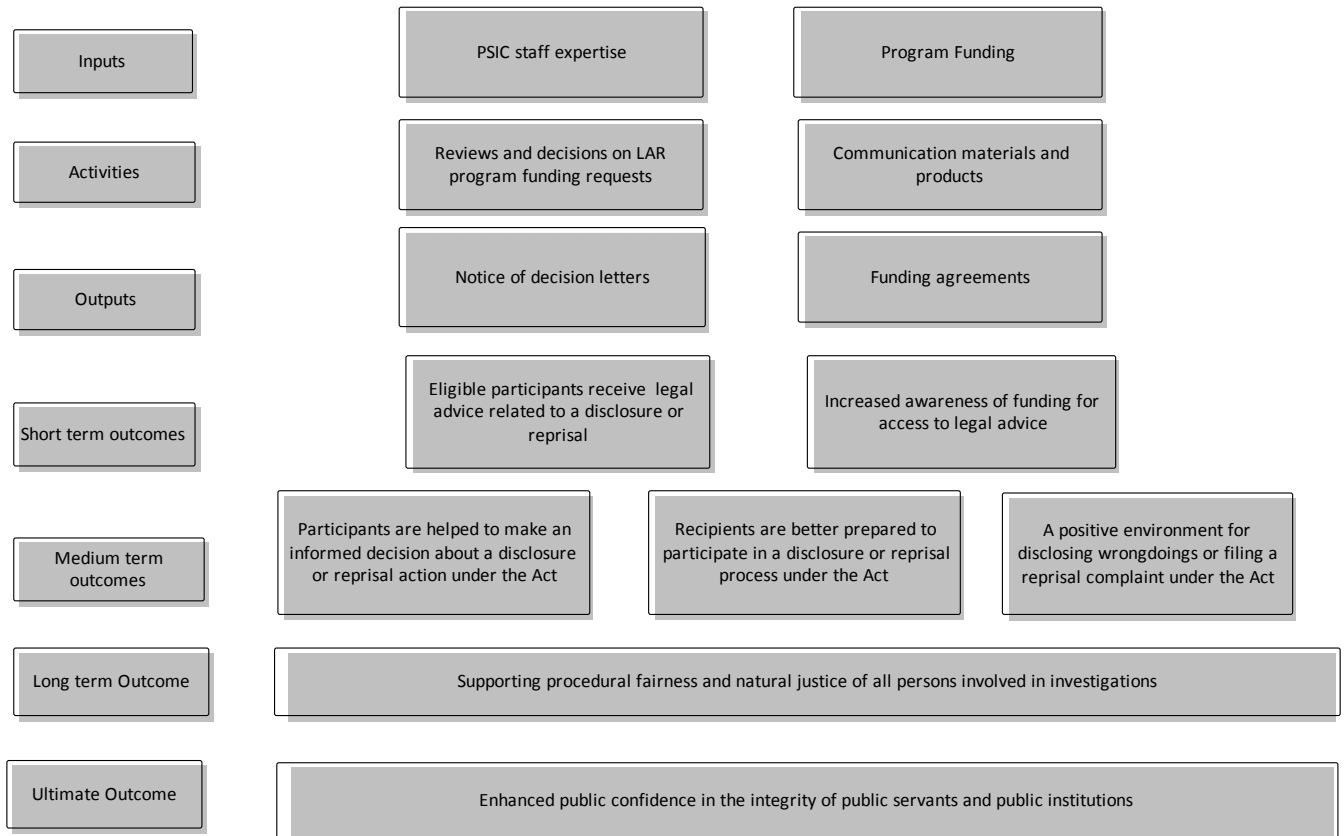
The following draft matrix includes the questions and data sources which helped guide the evaluation.

Question	Indicator	Data Sources
<i>Relevance</i>		
1. What is the need for the LAR program?	<ul style="list-style-type: none"> Demand for funding for legal advice (trends in # of applicants and grant recipients) 	<ul style="list-style-type: none"> Document /Administrative review
	<ul style="list-style-type: none"> Perceptions of need for funding for the LAR program (gap created if LAR was not available) 	<ul style="list-style-type: none"> Key informant interviews Survey
2. To what extent are the activities and objectives of the LAR program consistent with PSIC's mandate and strategic outcomes and federal government priorities?	<ul style="list-style-type: none"> Alignment with PSIC's mandate, objectives and federal government priorities Description of alternative funding sources (e.g., union/professional association) available and assessment of areas of overlap, duplication, and differences 	<ul style="list-style-type: none"> Document /Administrative review Key Informant Interviews
<i>Design and Delivery</i>		
3. To what extent is the design and delivery of the LAR appropriate?	<ul style="list-style-type: none"> Perceptions of challenges and barriers affecting access to the program (e.g., eligibility requirements, application process, understanding of program) 	<ul style="list-style-type: none"> Key informant interviews Survey
	<ul style="list-style-type: none"> View of stakeholders on aspects of the program (e.g., process, application and other templates, clarity of communications, timeliness of decisions, sufficient amount provided, methods of submitting request) 	
	<ul style="list-style-type: none"> Data on solicitation process (e.g., number of applicants annually (disclosure vs. reprisal, complainant vs. witness vs. subject of investigation), number approved and refused, number who withdrew) 	<ul style="list-style-type: none"> Document /Administrative review
<i>Effectiveness and Efficiency</i>		

<p>4. To what extent is the LAR program achieving intended objectives?</p>	<ul style="list-style-type: none"> To what extent is the program achieving its intended outcomes: <i>Increased awareness of funding for access to legal assistance?</i> <i>Do all recipients receive legal advice?</i> <i>Are participants helped to make an informed decision whether to proceed to participate in a disclosure or legal process?</i> <i>Is there a supportive environment for disclosing wrongdoings or a complaint?</i> 	<ul style="list-style-type: none"> Key informant interviews Survey Document Review /Administrative review
<p>5. To what extent is the LAR program delivered in a cost-efficient manner?</p>	<ul style="list-style-type: none"> Cost to deliver the program (i.e., administrative overhead to manage/approve applications in relation to amount granted) Suggested changes or alternatives for improved cost-efficiency Views of stakeholders on aspects of program that could be improved (e.g., tools and templates provided to assess eligibility, review process) Alternatives/lessons learned from other whistleblower protection regimes 	<ul style="list-style-type: none"> Key informant interviews Survey Key informant interviews Survey Document Review /Administrative review

Appendix B: Logic Model

The logic model was developed based on information gathered from key documents provided by the program as well as information garnered from internal key informants.



Appendix C: Instruments and Invitation Letters

A number of data collection instruments and associated communications were developed for the evaluation and linked directly to the evaluation matrix. These included: a survey instrument, a document/data review template and interview/ focus group guides. The indicators outlined in the evaluation matrix helped guide the content of the instruments. All instruments were developed in draft form and submitted to the client for review. Based on feedback, GGI prepared revised versions for approval. In addition to data collection instruments, various communications were also developed (e.g., sample email text for PSIC to invite LAR participants to respond to the survey and interviews). PSIC translated the instruments and communication tools.

C (1) - Interview Guides

PSIC Commissioner and TBS

Introduction

The Office of the Public Sector Integrity Commissioner of Canada (PSIC) has engaged the services of Goss Gilroy Inc. (GGI) to undertake an evaluation of the Legal Assistance Request (LAR) Grants and Contribution Program. This evaluation will provide information on the issues of relevance, design and delivery, effectiveness, and efficiency of the LAR program.

A major component of this evaluation are key informant interviews with stakeholders. These interviews are an opportunity for individuals to share their experiences with and opinions on the LAR grants and contribution program. This interview will take approximately 30-45 minutes to complete.

This interview is voluntary and the information you provide will be kept confidential and managed in accordance with the *Access to Information and Privacy Acts*. Findings will be used only for evaluation and research purposes.

Background

1. Please describe your involvement with the LAR program.

Relevance

2. What are the needs or concerns that the LAR program was designed the address? (*prompt has the need for legal advice changed since the legislation was put in place*).

3. Overall, in your opinion, has the LAR program been suitable and responsive to meet the needs of stakeholders? Please explain. *(prompt for adequate support)*
 - a) Are there aspects of the program that have the potential to duplicate or complement other supports? If yes, which ones and how?
4. How well does the LAR program fit with the other programs or services offered at [PSIC/TBS]?

Design and delivery

5. Are there any barriers affecting access to the program *(prompt for awareness, eligibility requirements, application process, understanding of program)*
6. Could you please share your perspective on the following aspects of the LAR program:
 - a) Ease of finding information about funding for legal advice
 - b) Eligibility requirements
 - c) The online application form
 - d) Timeliness of the decision about funding requests
 - e) Amount of funding provided

Effectiveness and Efficiency

7. What do you feel are the most important impacts of LAR for eligible participants?
(prompt for evidence/examples to support responses.)
 - a) Are there any potential implications for eligible stakeholders who do not apply for LAR program?
8. What factors (internal/external) to the program either help or hinder the effectiveness of the program? *(prompt for sufficient human/funding resources, clarity on roles/responsibilities, awareness of program)*
9. What improvements to the LAR program (if any) are warranted?
10. Do you have any other comments to make about the LAR program?

PSIC Staff /PSIC Management/Integrity Officers

Introduction

The Office of the Public Sector Integrity Commissioner of Canada (PSIC) has engaged the services of Goss Gilroy Inc. (GGI) to undertake an evaluation of the Legal Assistance Request (LAR) Grants and Contribution Program. This evaluation will provide information on the issues of relevance, design and delivery, effectiveness, and efficiency of the LAR program.

A major component of this evaluation are key informant interviews with program stakeholders. These interviews are an opportunity for individuals to share their experiences with and opinions on the LAR grants and contribution program. This interview will take approximately 45 – 60 minutes to complete.

This interview is voluntary and the information you provide will be kept confidential and managed in accordance with the *Access to Information and Privacy Acts*. Findings will be used only for evaluation and research purposes.

Background

11. Please describe your role and responsibilities with respect to the LAR Grants and Contributions Program? (*prompt for length of time in role*)

Relevance

12. How well does the LAR program fit with the other programs or services your organization offers?

13. Are there aspects of the program that have the potential to duplicate or complement other government/community-based grants and contributions programs? If yes, which ones and how?

14. Overall, in your opinion, has the LAR program been suitable and responsive to meet the needs of stakeholders? Please explain. (*Prompt for adequate support*)

Design and delivery

15. *[PSIC staff and management only]* Have there been any challenges delivering LAR? (Prompt: what aspects of the LAR program are not working as well?)

a. Were you able to address these challenges? If so, how were they addressed?

16. In your view, are there any barriers affecting participant's access to the program (*prompt for eligibility requirements, application process, understanding of program*)

17. Could you please share your perspective on the following aspects of the LAR program:

- f) Ease of finding information about funding for legal advice
- g) Eligibility requirements
- h) The online application form
- i) Timeliness of the decision about funding requests
- j) Amount of funding provided

Effectiveness and Efficiency

18. What evidence is there that the LAR program contributes to the following intended outcomes: (*prompt for examples to support responses*)

- a) Helping participants to make an informed decision about a disclosure or reprisal action under the Act.
- b) Better prepares recipients to participate in a disclosure or reprisal process under the Act.
- c) A positive environment for disclosing wrongdoings or filing a reprisal complaint under the Act.

19. Are there any potential implications for eligible stakeholders who do not apply for funding for legal advice through the LAR program?

20. What evidence is there that the LAR program contributes to the longer-term impact of *supporting procedural fairness and natural justice of all persons involved in investigations?*

21. Have there been any unintended impacts of the LAR program (positive or negative)? (*Prompt for non-financial aspects*)

22. What factors (internal/external) to the program either help or hinder the effectiveness of the program? (*prompt for sufficient human/funding resources, clarity on roles/responsibilities, awareness of program*)
23. Are you able to identify any areas of improvement for the LAR program to date?
24. Do you have any other comments to make about the LAR program?

Thank you

C (2) - Invitation Letters

Interview E-mail Invitation

(Le français suit...)

SUBJECT LINE: Legal Assistance Request (LAR) Grants and Contributions Program Interview

Goss Gilroy Inc. (GGI) has been engaged to evaluate the Legal Assistance Request (LAR) Grants and Contributions Program on behalf of the Office of the Public Sector Integrity Commissioner of Canada (PSIC). The evaluation will provide information on the issues of relevance, design and delivery, effectiveness, and efficiency and will cover a five-year span (April 1st 2013 to March 31st 2018).

You have been identified as a potential interview respondent given your involvement in or knowledge about the LAR program. ***Participation in an interview is voluntary and confidential.*** Results of the interviews will be analyzed and reported in aggregate only.

In the next week a representative from GGI will reach out to you to request your participation in a short interview. We hope you will be available for a discussion. If you have any questions about this work please contact Heidi Bartman, Senior Policy and Chief Results Advisor from the Office of the Public Sector Integrity Commissioner at 613-941-7624 or Heidi.Bartman@psic-ispc.gc.ca.

Thank you for your participation!

Survey E-mail Invitation

(Le français suit...)

SUBJECT LINE: Legal Assistance Request (LAR) Grants and Contributions Program Evaluation

Goss Gilroy Inc. has been engaged to evaluate the Legal Assistance Request (LAR) Grants and Contributions Program on behalf of the Office of the Public Sector Integrity Commissioner of Canada (PSIC). The evaluation will provide information on the issues of relevance, design and delivery, effectiveness, and efficiency and will cover a five-year span (April 1st 2013 to March 31st 2018). You have been identified as a potential survey respondent given your interactions with PSIC and/or involvement in the LAR program. We invite you to participate in this online survey to help ensure that the LAR program continues to meet participant needs. *Participation in this survey is voluntary, confidential and anonymous.* Results of the survey will be analyzed and reported in aggregate only. The survey takes approximately 5 to 10 minutes to complete.

To begin, please click [here](#).

For more information about this evaluation, please contact Heidi Bartman, Senior Policy and Chief Results Advisor from the Office of the Public Sector Integrity Commissioner at 613-941-7624 or Heidi.Bartman@psic-ispc.gc.ca. If you experience any difficulties logging in or completing the survey online, please contact Laura Conroy at lconroy@ggi.ca or 1-800-611-0511 ext. 256.

Thank you for your participation!

Appendix D: Document review Sources

Document Title	Website (if applicable)
Public Servants Disclosure Protection Act	
Proactive Disclosure: 2017	
2016-2017 PSIC Annual Report	
2015-2016 PSIC Annual Report	
2014-2015 PSIC Annual Report	
2013-2014 PSIC Annual Report	https://www.psic-ispcc.gc.ca/eng/about-us/corporate-publications/2013-14-annual-report
2012-2013 PSIC Annual Report	https://www.psic-ispcc.gc.ca/eng/about-us/corporate-publications/2012-2013-annual-report
2011-2012 PSIC Annual Report	https://www.psic-ispcc.gc.ca/eng/about-us/corporate-publications/2011-2012-annual-report
2010-2011 PSIC Annual Report	https://www.psic-ispcc.gc.ca/eng/about-us/corporate-publications/2010-2011-annual-report
2009-2010 PSIC Annual Report	https://www.psic-ispcc.gc.ca/eng/about-us/corporate-publications/2009-2010-annual-report
2008-2009 PSIC Annual Report	https://www.psic-ispcc.gc.ca/eng/about-us/corporate-publications/2008-2009-annual-report
2007-2008 PSIC Annual Report	https://www.psic-ispcc.gc.ca/eng/about-us/corporate-publications/2007-2008-annual-report
Decision Letter - Considering making disclosure (LAR no) and considering making reprisal complaint (LAR no)	
Decision Letter - Considering making disclosure (LAR yes) and involved in internal investigation (LAR yes)	
Decision letter - Made disclosure and PSIC is investigating (LAR yes)	
Decision letter - Made reprisal complaint - PSIC is not investigating (LAR no)	

Lettre de décision - A fait une plainte de représailles que PSIC enquête (LAR oui)	
Lettre de décision - Envisage faire une divulgation (LAR oui), envisage considère faire une plainte de représailles (LAR non)	
Decision Letter to Disclose Invest Notice Reprisal	
Negative Decision Letter ltr (LAR no)	
Office of the Public Sector Integrity Commissioner of Canada: 2014-15 Annual Report	
Communications Tools and Materials	
Guide-How am I Protected?	
Government Operations Committee-April 26th 2018	https://openparliament.ca/committees/government-operations/42-1/128/kyle-peterson-3/?page=6
Strengthening the Protections of Public Interest within the Public Servants Disclosure Protection Act	https://www.ourcommons.ca/Content/Committee/421/OGGO/Rports/RP9055222/oggorp09/oggorp09-e.pdf
Disclosure Satisfaction Survey- Excerpt from the Final Report	
PSAC's submission to the House of Commons Standing Committee on Government Operations and Estimates regarding the Public Servants Disclosure Protection Act	
Review of the Public Servants Disclosure Protection Act: Proposal of the Public Sector Integrity Commissioner FOR Legislative Amendments (2017)	
LAR requests Table from October 2016 to March 2018	
PSIC-#18775-v1- International_Legislative_Comparative_Tables_-_January_2017	
Whistleblowers in Serbia: A Model Law	https://www.balcanicaucaso.org/eng/Areas/Serbia/Whistleblowers-in-Serbia-a-model-law-184197
Whistleblowing in the UK	https://www.gov.uk/whistleblowing
Huis-voor-Klokkenluiders	https://huisvoorklokkenluiders.nl/whistleblowers-authority-huis-voor-klokkenluiders-english

Terms of Reference PCSI**Summary Access to Legal Advice_BIL****TBS Policy on Legal Assistance and Indemnification**

<https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=13937>

Annual Report on the Public Servants Disclosure Protection Act for the 2016 to 2017 Fiscal Year

<https://www.canada.ca/en/treasury-board-secretariat/services/values-ethics/disclosure-protection/annual-report-public-servants-disclosure-protection-act-2016-2017.html>

Legal Advice Request Form**PSIC Departmental Results Reports 2016-2017****PSIC Departmental Plan 2018-19
TBS Policy on Legal Assistance and Indemnification**

<https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=13937>

Information New Senior Officers for Disclosure (Deck)

Country	Nationally available Legal Advice Program Available?
Sweden	No
Tanzania	No
Chile	No
Japan	No
Serbia	No, but not-for-profit assistance available
India	No
Jamaica	No
South Korea	No
South Africa	No
France	No
Ireland	No
New Zealand	No
Australia	No
United Kingdom	No, but reference to legal aide
United States	No
Netherlands	No, but aide accessible via an arm's length Whistleblower Authority
