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Royal Commissions and Task Forces as Mechanisms of Program Review

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RÉSUMÉ

Malgré le développement des procédures et systèmes d'évaluation des programmes et de vérification externe, les gouvernements au Canada utilisent encore des commissions royales et des comités d'étude pour l'évaluation *ad hoc* des programmes gouvernementaux. En se basant sur des facteurs tels l'indépendance, l'objectivité et l'adaptabilité, l'auteur se penche sur les raisons de l'utilisation de ces mécanismes temporaires. L'auteur évalue également, en termes organisationnels, les avantages et désadvantages de ceux-ci.

ABSTRACT

Notwithstanding the development of the functions of and structures for program evaluation and external audit, Canadian governments continue to use royal commissions and task forces as temporary mechanisms for *ad hoc*, special program reviews. This paper analyses the reasons for the continued use of these temporary organizations and assesses their advantages and disadvantages in organizational terms. The criteria used in this assessment include independence, objectivity and organizational learning.

Within the context of the Canadian machinery of government there are three principal mechanisms available for the review of programs, broadly defined: namely, internal evaluation, external audit and *ad hoc* special reviews. The first mechanism has become an established management function within government as part of the on-going policy and expenditure decision-making and administrative process. As a management function it has spawned its own structures within both the central agencies and the operating departments of government; it has created a new kind of management specialist, namely the program evaluator; and this profession has developed a methodological framework and associated techniques for its work. The second mechanism—external audit—has long been a function within government, albeit one that has been one-step removed from day-to-day management. It too has its own structures, a profession to work within them and a methodology to perform its roles. Its extension into what comes under the general heading of "program review" has not been without is critics but at the least it can be said that it is now a player in this game.

The third mechanism is one that by definition cannot be described in the terms used above. Royal Commissions and task forces, and similar sorts of *ad hoc*, special and temporary mechanisms do not give rise to established structures within government; they do not create a new management profession (although some have claimed that they have created a "new industry"); and they have not therefore generated uniform methodological frameworks or techniques with which to review government programs, even if many adopt similar processes and procedures. In some respects of course they share common characteristics with the more permanent mechanisms of program review, especially that of program evaluation: they are asked to review existing programs; and, just as program evaluation is but part of a more comprehensive process of program design and innovation, they propose changes to programs or recommend new programs in order to overcome present shortcomings or to meet unmet needs.

The juxtaposition of these three mechanisms for program review is perhaps particularly appropriate at this present time given that we have witnessed the maturation of program evaluation and comprehensive auditing within the federal government, we have had a major royal commission on "Canada's future" (as it styled itself) release its report and publish its research (Canada, 1985) and we have concluded a comprehensive task force on program review (Canada, 1986). This latter task force, moreover, issued a highly critical assessment of the value of the program evaluation function as conducted within the federal government. The task force, in turn, has been itself criticized for the internal inconsistency in its assessment and use of actual program evaluations (Mayne, 1986). The royal commission on Canada's future, on the other hand, has been criticized for its inability to generate "innovative" solutions to Canada's economic dilemmas (Simeon, 1987). Finally, there are those who regard the extension of the external audit function to program review as politically inappropriate and methodologically pretentious (Sutherland, 1980 and 1986).

What are we to make of these developments? And, in particular, what can be said of the role of royal commissions and task forces in program review and more generally policy development? In an attempt to address these questions I will examine, albeit briefly, the development of royal commissions and task forces as organizational mechanisms for review and innovation within the more general context of the evolution of the federal governments policy and management systems. An historical perspective is useful in this regard for it best illustrates the uses of these mechanisms in various political and organizational contexts (Wilson, 1971; Hodgetts, 1964; Courtney, 1969; Trebilcock et al., 1982).

The use of royal commissions as agencies of enqiry has served essentially two purposes. First has been the perceived need to have an impartial judgement, independent of the partisan political process *and* government, on specific matters of political or administrative controversy: cases of corruption, broadly defined, consistue one major category; various kinds of disasters or accidents constitute a second; and a third would be the type of decision now normally handled by the regular machinery of government, such as decisions on the location of public works or infrastructure. Royal commissions were used with great regularity in the last century in order to have this sort of independent judgement and the not unexpected consequence was that they made very significant use of the judiciary as royal commissioners (Courtney, 1969).

The second use of royal commissions has been to serve the purpose of external enquiries into major issues of public policy, including but not limited to reviews of existing policy. Although it would be inaccurate to imply that this second use has emerged only in this century, with the first use restricted to the previous century, it is the case that the second is now the more prominent and clearly the model that twins with the task force mechanism. It is also the second use that has given rise to the appointment of commissioners who are not from the judiciary, multi-member as opposed to single member commissions, and the employment of research staff as opposed to legal counsel.

This "new model" of royal commission, as J.E. Hodgets (1968) called it, came into prominence in the 1960s, although there were a few notable precendents already established, most notably the Rowell-Sirois, Massey and Gordon commissions on Dominion-Provincial Relations, National Development in the Arts, Letters and Sciences and Canada's Economic Prospects respectively. Examples from the 1960's which illustrated the emergence of the new model were, among others, the commissions on government organization, health services, unemployment insurance, banking and finance, taxation, bilingualism and biculturalism, and the status of women.

Partly as a result of the inevitable criticisms directed towards governments on the occasion of the establishment of royal commissions and partly as a function of the increased use within government of applied social science research, the 1960's were also a time when a number of academic observers and public servants began to question the effectiveness of royal commissions as instruments for policy research and development. Both J.E. Hodgetts and Bruce Doern in separate articles thus argued for the "de-commissioning" of the political process (Hodgetts, 1965) and the creation of "a permanent body of expertise related to recurring social and economic problems" (Doern, 1967, 432). By the time these arguments were published the federal government had in fact moved in this direction with the establishment of the Economic Council in 1963 and the Science Council in 1966. Both councils were created in an atmosphere that was infused with optimistic assumptions on the potential for social science research and rational planning, assumptions that went well beyond the previous faith in the "independence" and "impartiality" of judges as royal commissions. The link to the "new model" of royal commissions was present, however. As Richard Phild (1971, 210) pointed out in reference to the Economic Council:

> it was an attempt to institutionalize on a continuing basis the work of royal commissions, one of the main methods by which fundamental economic reserch was done previously in Canada. More specifically, it was an attempt to carry on the work of the Gordon Commission on Canada's long-term economic prospects. . .Dr. John Deutsch, the council's first chairman, in several speeches described certain aspects of the council's work as being consistent with the work of royal commissions. Furthermore, the council's composition was similar to royal commissions in the sense that it drew expertise from outside of the regular bureaucratic structure.

By the late 1960s, the assumption that "knowledge is power" had infiltrated the corridors of power, particularly in the expanding central agencies of the Privy Council Office and the Treasury Board Secretariat. In these heady days a Prime Minister could say (Canada, 1969):

> We are aware that the many techniques of cybernetics, by transforming the central function and the manipulation of information, will transform our whole society. With this knowledge, we are wide awake, alert, capable of action; no longer are we blind, inert powers of fate.

It was within this intellectual milieu that the royal commission mechanism and even its newly spawned twin—the task force, appeared to be merely interim, *ad hoc* and relatively clumsy instruments for policy planning and program review. Thus was born the "ministry of state" organization: an organizational innovation that sought to give effect, in the words of the then President of the Treasury Board, C.M. Drury, in introducing the legislation for the creation of ministries of state, to the belief that "knowledge and power, in this world in which we live, are synonymous." (Aucoin and French, 1974, 12).

Ministers of state, particularly those established in the early 1970s, constituted in one sense the epitome of the Trudeau government's initial efforts "to enshrine rational analysis and planning in place of the interplay of traditional sources of power in Cabinet." (Aucoin and French, 1974, 13). They did so precisely because, unlike those institutions which also succumbed in some part at least to the "knowledge is power" thesis, especially the PCO and TBS, they possessed neither the traditional powers to manage the decision-making system nor the capacity to allocate budgetary resources. In retrospect it is not surprising that these new institutional devices failed to live up to the expectations of those who had designed them. Much like the Planning Branch of the TBS their impact at the time was, to be generous, minimal.

The pursuit of rational planning and decision-making did not abate with the obvious limitations of these initial endeavours, however. Comprehensive auditing, program evaluation and the policy and expenditure management system, along with the second generation of ministries of state, were introduced in the latter part of the 1970s. Although the "bloom" was off the "rose" in several respects insofar as the "knowledge is power" thesis was concerned, the basic commitment to a more disciplined, orderly and rigourous approach to planning and decision-making continued. Fiscal restraint, to be certain, added a new urgency to the cause, provided a political and bureaucratic incentive to more effective management, and, more recently, has resulted in a streamlining of some of the more complicated arrangements of the policy and management systems.

Developments of the kind noted above have obviously given a higher priority to the role of policy research, planning and evaluation within government. They have not eliminated, however, the use of royal commissions and task forces as temporary organizations for these same purposes. Task forces, as mentioned previously, are a more recent organizational innovation and for the most part parallel these developments. Task forces, even more so than royal commissions, have come in various configurations. Some have been, to all intents and purposes, royal commissions in all but name. Some others, at the other extreme, have been not much more than *ad hoc* departmental or interdepartmental committees under another title. Some have been closely associated with a particular minister, such as the Helleyer Task Force on Housing in the late 1960s. At least one has been, or least come under the aegis of, an *ad hoc* Cabinet committee, namely the Neilson Task Force on Program Review.

Three features of the task force model distinguish it, if only in relative terms, from the royal commission model. First, it is more subject to political direction and continuing ministerial communications; second, it is more likely to be staffed, in part or in whole, by seconded public servants; and, third, the publication of its report(s) is subject to ministerial discretion. Greater informality, increased flexibility and greater speed have been considered the principal advantages of this mechanism over the royal commission.

Precisely because they both can be organized, staffed and directed in a number of different ways, the major and common feature of royal commissions and task forces is their temporary and *ad hoc* nature. As temporary organizations they are able to achieve a degree of independence (but not necessarily "objectivity") from the political executive or the bureaucracy or both that cannot in normal circumstances be achieved by other government agencies, excepting external advisory agencies such as the Economic or Science Councils. As *ad hoc* organizations, established for a particular undertaking, they are able to achieve a greater degree of objectivity than on-going organizations including external advisory agencies can maintain, given the latter's vested interest in the credibility of the record of the policy advice they render.

Royal commissions and task forces are examples *par excellence* of what Henry Mintzberg calls "temporary adhocracies" (1979). As such their design and operational characteristics involve, among other things, a greater degree of horizontal specialization (as compared to vertical specialization), a greater emphasis on substantive policy expertise (as opposed to administrative experience), less formalization (as opposed to bureaucratic standardization), a greater reliance on liaison devices and informal communications (as opposed to highly structured planning and control systems), and a greater use of selective decentralization (as opposed to centralized decision-making). These are of course general tendencies with respect to organization and behaviour.

These organizational and operational characteristics make royal commissions and task forces useful instruments for governments at any time but especially in times of policy crises, when governments are confronted by intractable or "wicked" (as opposed to "tame") problems (Harmon and Mayer, 1986) or when there is a change of government. Royal commissions and task forces at such times are used as "policy outputs" in themselves (Wilson, 1971), in the sense that they not only demonstrate a concern on the part of government but also constitute what I have elsewhere called "positional policies," that is "outputs which affect the structuring of influence" in the governing process (Aucoin, 1971, 25). Royal commissions and task forces as expressions of concern is straightforward perhaps, although as one group of analysts has noted, those who "ignore the nature and substance of the search process" often miss "much, if not most, of the purpose of the exercise" (Trebilcock et al., 1982, 37). Similarly, the use of these mechanisms as "positional policies" is often not fully recognized for what it is, namely the inclusion and representation of particular interests or views in the policy process in order to alter the balance of influence in this process.

It is the latter instance where royal commissions and task forces are used that is of greatest relevance to the subject of program review. This results from three related factors. First, these mechanisms enable a government to draw upon external expertise to review existing program and program proposals; second, they enable a government to have such reviews conducted by way of a process that is separate from the exigencies of on-going policy development, program administration and program evaluation; and, third, such reviews can be undertaken by organizations which, insofar as they possess the characteristics of temporary adhocracies noted above, have a greater capacity or potential than permanent organizations to be both independent and objective. Governments do not necessarily get what they want, but this is the price that they must pay if they opt not to take direct responsiblity themselves. The safety-valve for governments is, of course, that they need not follow the recommendations of such advisory bodies.

For the purposes of program review, the potential of temporary adhocracies for independence and objectivity constitutes not only a major reason why governments, including successive recent federal governments, have continued to use these mechanisms even with the significant expansion of their "in-house" analytical capacities and processes but also a principal rationale for why they should be used as a complement, if not a substitute, for internal program evaluation and external audit. The logic of program review necessarily entails an important element of judgement that can be informed by the application of disciplined and rigorous social science methodologies but not eliminated by the same. Precisely because program evaluation is an integral function of management it contains this element of judgement—the "art of judgement" Geoffrey Vickers calls it (1965). It follows, accordingly, that if program reviews for more than the purposes of management are to be undertaken, then this element of judgement should be based as much as possible on independence and objectivity. For certain purposes this can be obtained by reviews undertaken one step removed from program management by what we call the central agencies of government, in particular the Office of the Comptroller General. Or, for the purposes of greater public accountability, such reviews can be undertaken within the context of parliamentary committees (Foote, 1986). In each of these cases, however, the full advantage and potential of temporary adhocracies are unikely to be realized. Each in their own way is less independent and/or objective.

For the most intractable problems or controversial programs the most suitable option is the royal commission or task force. The principal advantage for the review of such programs by these mechanisms is the increased likelihood that in the exercise of "judgement" greater consideration will be given to the weight of informed analysis and argument in the interaction between commissioners or task force members themselves and between them and their staff. Knowledge may not be power but in the organizational structure and milieu of temporary adhocracies, as previously outlined, there is found the closest approximation of knowledge as power. This potential ought not be exaggerated: it is relative. This organizational mechanism can be and can be seen to be the most effective device for independence and objectivity in program review, notwithstanding the fact that the realization of this potential is at times undermined by intention or in practice, particularly perhaps with certain kinds of task forces.

There are, to be certain, limitations in the use of temporary adhocracies. Because they are temporary, time usually militates against the generation of knowledge. Although some royal commissions and task forces have been instruments of first class research, the time dimension often means that they can be no more than ''consumers, not producers, of intellectual capital'' (Osberg 1987, 11). As Lars Osberg puts it: ''Once one deducts the time spent (at the beginning) in initial hearings and organization, and the time spend (at the end) in writing and translation, there is a surprisingly small 'window' of time available in the middle during which background reports can be commissioned'' (1987, 11). More often then not, accordingly, ''commissions are agencies which can provide a new synthesis of existing information but they are not agencies which can create, or add much to, the knowledge base of Canadian society'' (Osberg, 1987, 11).

A second and related limitation is that such agencies cannot usually overcome the prevailing paradigms extant in the intellectual community. In Richard Simeon's view, it was this fact, more than all others, that accounted for the Macdonald Royal Commission's support for ''contemporary mainstream neo-classical economics'' (1987, 171). The Commission, he argues, had ''no credible alternative'' (1987, 173) placed before it and ''was unable to find a contemporary equivalent of the media via which was represented in the post-war period by the Keynesian welfare state'' (1987, 17). Independence and objectivity, in short, do not in and of themselves create ''innovation'' or ''new knowledge.''

A third, and again related, factor is that such agencies must attempt to forge a consensus because they must produce a report with recommendations. ''Non decisions'' are not among their options, as they are for most of the government organizations. This requirement is not always easily forthcoming, and when it is not, it inevitably involves compromises. For agencies whose principal capacity to affect policy decisions is persuasion based upon knowledge and analysis such compromises naturally diminish their influence. Open conflict, as reflected in minority reports, as has been the case most recently with the Macdonald Commission and the Forget Commission on unemployment insurance, further undermines the likelihood of influence. At times of socio-economic crises or government transitions, when the appearance of concern or a reassessment of programs is required, it is unlikely that the above limitations will constitute a sufficient condition to stop governments from using royal commissions and task forces. This fact makes the question of the impact of these temporary adhocracies on policy innovation or program change such a complex and illusive one. As noted, the "output" of these agencies is in part their very establishment by a government. Efforts to measure their cost effectiveness on this criterion must entail a consideration of the political calculus used to decide on their creation in the first instance. On the other hand, insofar as the "output" of these agencies themselves are their reports more often than not it is next to impossible to present a definitive conclusion on the extent to which the recommendations contained therein were independent determinants of change. As Richard Van Loon and Michael Whittington suggest in commenting upon the effects of the Neilson Task Force reports as one effort "in the long line of attempts to attack the sanctity of the A-base": "most of the reductions could be traced to decisions made outside the framework of the Neilson exercise and within the preserve of the normal operations of the Department of Finance and Treasury Board" (1987, 498). Yet to what degree the Neilson task force served as a catalyst to change in some if not all areas of reduction is a question that no doubt will never be given a complete reply. Even in cases such as the Hall Commission on Health Services or the Kirby Task Force on the Atlantic Fishery where the effects on policy and programs are usually assessed to have been significant there were clearly a multitude of other determining factors. In short, the determinants of policy and decision-making involve more than institutional or organizational variables.

A final consideration relates to the question of institutional learning concerning the use, design and operation of royal commissions and task forces as temporary adhocracies for the purposes of policy development and/or program review. The significant variability in the kinds of royal commissions and task forces (including of course the use of the latter as an alternative to the former) that have been established in the recent past suggests that some institutional learning has taken place. Although a more detailed study than I have undertaken would be required to verify, if possible, the following, I suggest that these developments have occurred: (1) a greater effort has been made to ensure a more representative composition in the membership of royal commissions and task forces; (2) a greater use has been made of seconded public servants as staff to such agencies, in part at least in recognition of the increased complexities associated with the administration and implementation of policies and programs: (3) there has been an increased recognition of the degree to which such agencies must be users rather producers of knowledge; (4) there is a greater appreciation of the value of public participation in the processes of these agencies especially on the part of those interests which are least well organized; (5) there is a more sophisticated understanding of the ways in which the members of royal commissions and task forces must relate to their research staff in what is essentially an intellectual rather than political or management exercise; and (6) there is an increased appreciation of the extent to which such enterprises are a complement to, rather than a substitute for, on-going organizational mechanisms and processes within government. These developments are not entirely restricted to our experience with royal commissions and task forces; nor does every new such agency necessarily draw upon this experience. Indeed, one serious shortcoming with their use is that the accumulated experience and learning with these mechanisms is in some instances largely unknown to those brought in as novices to a royal commission or task force and only in a rather disjointed manner is there an institutional capacity to retain this experience and transmit what has been learned. The very richness in the variety of experiences found in the royal commissions and task forces of the past two decades and more should serve as the rationale for greater government and academic attention to what in fact has been and can be learned from this record. Unlike program evaluation, however, there does not at present exist either the institutional basis or professional identity for such attention, in or outside government. Efforts to compare the relative usefulness of such temporary adhocracies to other mechanisms of program review thus must be as tentative as my conclusions are.

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