BALANCING ETHICAL PRINCIPLES IN EVALUATION: A CASE STUDY

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Abstract: In recent years, evaluation societies have developed guidelines, codes, and standards to promote the ethical conduct of evaluation. The development and application of these have highlighted the political nature of evaluation and the inherent conflicts that can arise for evaluators as a result of different bases of ethical decision-making that may be held among themselves and other interested parties. This article examines examples of such conflicts, drawing on an Australian evaluation of care options for indigenous children and young people deemed to be at risk of neglect or abuse. While some conflicts were identified in advance, others emerged during the evaluation. These involved issues such as the appropriateness of the initial focus, risks to further funding, and participation in decision-making about future projects. The article discusses ways in which the conflicts were addressed and identifies implications for evaluation practice and the continuing development of ethical guidelines, codes, and standards.

Résumé: Au cours des dernières années, les sociétés d’évaluation ont développé des lignes directrices, des codes et des normes afin de promouvoir l’éthique en évaluation. Le développement et la mise en application de ceux-ci ont mis en évidence la nature politique de l’évaluation ainsi que les divergences connexes qui peuvent être soulevées parmi les évaluateurs et les autres parties prenantes en fonction des fondements déontologiques sur lesquels reposent les prises de décision. Le présent article examine des exemples de telles oppositions, et s’inspire d’une évaluation australienne des possibilités de service de garde pour les enfants indigènes et les jeunes jugés à risque de négligence ou de violence. Si certains conflits avaient été préalablement cernés, d’autres sont devenus évidents en cours d’évaluation. Ces der-

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In recent years, increasing attention has been given to ethical issues in evaluation. This has led to the development and publication of ethical guidelines, codes, and standards by a number of professional evaluation societies and associations (see, for example, American Evaluation Association, 1995; Australasian Evaluation Society, 1998, 2000; Canadian Evaluation Society, 1996). Some of these focus specifically on ethical issues while others include ethical issues as part of a broader coverage. The development and application of the various guidelines, codes, and standards have highlighted the political nature of evaluation and the inherent conflicts that can arise for evaluators as a result of different bases of ethical decision-making that may be held among themselves, their commissioning clients, people directly affected by evaluations, and the general public.

This article examines examples of such conflicts, drawing on an Australian evaluation of care options for indigenous children and young people deemed to be at risk of neglect or abuse. The article discusses ways in which the conflicts are being addressed and then seeks to identify some implications of such conflicts for evaluation practice and for the continuing development of ethical guidelines, codes, and standards.

SOME FRAMEWORKS AND DEFINITIONS

Drawing on Newman and Brown (1996, pp. 20–22), the meanings attached to key terms used in the article are identified as follows.

- **Ethics**: the study of right and wrong behaviour
- **Ethical**: right practice (in this sense, ethical is being used synonymously with the term moral)
- **Guidelines**: suggestions for specific ethical behaviour
- **Rules**: requirements for specific ethical behaviour
- **Codes**: compilations of ethical rules
- **Standards**: rules that suggest model behaviour
- **Principles**: main beliefs upon which guidelines, rules, and codes are built (for example, “do no harm,” “equity,” “honesty”)
Ethical principles may be seen as deriving from ethical theories, that is, explanations of how people make ethical decisions. Ethical theories may be categorized into three main types (Bibby, 1997, pp. 5–6):

- Consequentialist or teleological, which hold that what is good or bad is determined by looking at the consequences of our proposed actions (for example, utilitarianism, in which the right action is seen as the one that results in the greatest possible good for the greatest number of people);
- Deontological, which hold that there are certain features of actions and of the world that make actions right or wrong independently of their consequences (sometimes expressed by the assertion that the end cannot justify the means); and
- Aristotelian, which point to connections being found between the things that humans find basically good in themselves and what we ought to do.

Newman and Brown (1996) use an expanded classification that adds rights of persons, social justice, and care to the consequentialist and deontological categories. This in turn is used to provide the following framework of ethical theory-based questions that may serve as a guide to ethical conduct:

- What are the consequences of my choice?
- What duties and obligations do I have as an evaluator?
- What rights do my clients have? What rights do I have?
- What would be just or fair in this situation?
- What would be the caring response or course of action?

(Newman & Brown, 1996, p. 52)

The diversity of ethical theories means that the principles (or conduct-guiding questions) that are derived from them are not necessarily consistent with each other. To the extent that evaluators are using a mixture of principles (e.g., “equity” and “do no harm”) or questions (e.g., “What obligations do I have?” and “What would be fair in this situation?”), or are faced with a situation in which various interested parties subscribe to differing principles or have differing conduct-guiding question priorities, conflicts will inevitably arise.

A CASE STUDY

The case study used for this article is an Australian evaluation project focusing on the placement of indigenous (Aboriginal and
Torres Strait Islander) children and young people, who are deemed to be at risk of neglect or abuse, into kinship care and other care options. The evaluation was commissioned by a government department and was designed as a two-phase project. The first phase involved developing a detailed description and understanding of current practices involved in indigenous care placements, both within the regions served by the department and beyond. The second phase was designed to focus on the making of judgements and recommendations in relation to the placement practices, as identified in the first phase, across the regions served by the department.

The evaluation was undertaken by a team of four academic staff from an Australian university Faculty of Education. The team drew on a range of expertise and experience in the areas of program evaluation, educational research, child protection, Aboriginal and Torres Strait Islander education, and community engagement. Each member had also been involved in previous projects commissioned by government departments, including the one involved in this particular project.

Negotiation of the details of the project proved to be a complex and lengthy process. The department was undergoing a major restructuring and had been under fairly constant attack in the media over alleged mishandling of its child care responsibilities. Indigenous issues were also very much in the public consciousness following reports of a “stolen generation” of Aboriginal and Torres Strait Islander children (removed from their natural parents by government authorities) and demands for an apology from the federal government plus measures to promote reconciliation between indigenous and non-indigenous people across the country.

The area to be addressed by the evaluation was initially identified by senior personnel from the department’s Research and Aboriginal Units. Detailed discussions between the department and the evaluation team then teased out the specific issues and questions to be addressed. A further meeting with the manager of the Aboriginal Unit refined and extended the scope of the project. The project was subsequently reviewed and affirmed by the department’s Aboriginal Reference Group, a body comprising Aboriginal representatives from all of the regions served by the department.

The project team was committed to conducting the project in a culturally sensitive manner. To this end, the project was designed to:
• involve consultation and negotiation with Aboriginal people at every level of its implementation to ensure support and ownership of the project;

• be guided by an active Project Reference Group, comprising mainly Aboriginal members (one of whom would be the Chair), that would meet regularly with the evaluation team throughout the project;

• include methodology flexible enough to incorporate modifications arising from consultation and negotiation with major stakeholders and Aboriginal communities during the course of the project;

• observe appropriate protocols in relation to gaining access to Aboriginal communities, as per advice provided by Aboriginal Elders and other community leaders;

• focus on building trust among all participants, including clients and field workers, in order to facilitate access to reliable data; and

• use research tools that were sensitive to the major concerns of Aboriginal communities.

In identifying these processes and having undertaken detailed discussions with key stakeholder representatives, the evaluation team believed that it had established a well-founded and appropriate evaluation focus and plan. A detailed proposal incorporating the various components that had been discussed and negotiated was submitted to and approved by the department. The first phase was funded, on the understanding that funding for the second phase would be forthcoming on the satisfactory completion of the first phase within the agreed timeline. The contract stipulated that a draft report be provided to the department, followed by a final report once the evaluation team had considered any departmental feedback on the draft report. The ownership of the reports rested with the department, with the evaluation team having the right to publish papers drawing on the project, subject to anonymity and confidentiality considerations.

The first phase involved a review of the literature, analysis of documents and statistical records relating to care options policy and practice, and a series of interviews of managerial and fieldworker personnel from across the department’s regions.

ISSUES ARISING

In negotiating the evaluation, the team recognized that there were a number of potential conflicts among stakeholders. The presence
of different philosophical positions attaching to care and the role of the state, variations in experiences and attitudes across and within stakeholder groups of different cultural backgrounds, the politicized nature of matters relating to indigenous people, and growing community attention to allocation of public finance all served to promote differences in expectations and priorities.

Although some of these potential conflicts could be and were identified in advance, others emerged during the evaluation. The evaluation also served to expose the particular nature and extent of some of the conflicts previously identified. Three examples are used in this article, as outlined below.

i. The Appropriateness or Sufficiency of the Initial Focus

The agreed focus of the project was that of current practices involved in the placement of Aboriginal children and young people into kinship care and other care options, with a view to improvement in future care option practice.

The literature review provided a range of material relating to care options, risk assessment and other decision-making processes involved in placement, and some of the outcomes associated with each option. It also raised questions about the underlying structural factors that were, in effect, creating the need for care options. Associated with these were materials outlining programs designed to act in a proactive, preventative fashion rather than in a reactive fashion. These included, for example, parenting skills development programs, family support programs, and community employment programs.

Similar issues emerged at an early stage of the interview process as Aboriginal field workers pointed to structural and cultural factors that were creating the need for care options. In particular, they identified the relatively high rates of unemployment in some Aboriginal communities, and a breakdown in traditional Aboriginal community and family structures.

This became an issue for the evaluation team. Were we in fact helping to perpetuate the placement into care system by seeking to identify its strengths and weaknesses and then making recommendations for its improvement? Should we not have been more focused on the causal factors and ways of tackling these rather than coping with the effects? Were we really serving the interests of Aboriginal children and young people, their families, and their communities by adopting this particular evaluation focus?
The situation described above illustrates conflicts arising from the application of different ethical principles or guiding questions. In response to Newman and Brown’s (1996) question, “What rights and obligations do I have as an evaluator?”, the contract that we had entered into with the department and the preceding discussions we had undertaken with various stakeholder representatives meant that we had certain obligations and duties to fulfil. Applying Newman and Brown’s other four questions meant, however, that we had to consider other aspects such as the likely consequences of following the contractual focus, the rights of our clients and ourselves, and what would be a just and caring response.

Taking these considerations into account, our response was to include the data from the literature and the interviews on the underlying structural and cultural factors as part of a contextually based description of current practices in the first phase report. It was also decided that descriptions of proactive programs and approaches be included in the report, along with descriptions of care option approaches. This in turn left open the chance for us to re-open discussions with the department and other stakeholders regarding the scope and focus of the second phase. In effect, we would be able to explore the possibility of incorporating a significant emphasis on structural and proactive matters as well as procedural and reactive matters.

ii. Participation in Decision-Making about Future Projects

The comments about the focus of the evaluation that were raised during the interviews were at times accompanied by questions about possible future projects. In particular, questions were asked about what would or should be evaluated and who would or should make such decisions. This highlighted a fundamental issue of the relative rights of the range of stakeholders and potential stakeholders in influencing what is on the evaluation agenda.

The department concerned in this case could point to a process of consultation and advice that theoretically should ensure that major stakeholder groups’ needs, interests, expectations, and priorities are fed into their decision-making system. Thus, for example, it has an Aboriginal Unit that provides advice on issues and priorities. This unit in turn consults and is advised by an Aboriginal Reference Group representing all of the regions served by the department. The use of such a process will not, however, necessarily lead to decisions that are seen by each stakeholder group or individual stakeholders as appropriate. Almost inevitably, such processes rely on consensus and/
or majority vote procedures in providing advice and direction. This in turn may well create the situation in which minority interests are rarely reflected in the evaluation agenda. What rights are attached to the lone or minority voice? To what extent do evaluators have an advocacy responsibility in such cases?

The situation outlined above illustrates conflicts arising in responding to Newman and Brown’s questions relating to the rights of clients; the rights, duties, and obligations of evaluators; and what would be just or fair. The position taken by the evaluation team on this issue was similar to that for the previous issue. The questions and concerns were recorded, with the intention of including these as part of the re-opened discussions with the department and other stakeholders regarding the second phase. It was hoped that this would help not only to clarify what should be covered in the second phase, but also to alert the department to other potential matters for evaluation and to the value to be gained in seeking and listening to minority voices as well as their current institutional sources.

iii. Risks to Further Funding

As noted earlier, the first phase of the evaluation was approved and funded on the understanding that funding for the second phase would be forthcoming on the satisfactory completion of the first within the agreed timeline. This involved producing a draft report and a final report for the department, with regular reports during the evaluation to the Project Reference Group for reaction and advice.

A draft report was duly produced and presented to the Project Reference Group for comment. One of the departmental members of the group observed that the department would find the report to be controversial. This comment was made in the context of growing community and media interest in departmental reports, and the leaking to a newspaper of findings from another departmental project report in the previous week. A subsequent telephone call from a departmental officer to a member of the evaluation team confirmed the observation. It was clear that there was some anxiety in the department about what had emerged in the first phase, with the officer commenting that in the event of a second phase, it would be preferable to have a steering committee rather than a reference group.

The draft report was then submitted to the department. A number of months elapsed before the department responded with detailed feed-
back. It appeared that another major restructuring process had been occurring in the department, and priorities were being reviewed in the light of new legislation. In the light of the feedback, some editorial changes were made to clarify aspects of the report, and a final version was then submitted. After another period of some months, the team was advised that the department would not be seeking to fund the second phase at this stage as its priorities had changed.

At what cost does one guarantee future funding? To what extent could or should the commissioner of an evaluation be able to control the nature and focus of an evaluation? In one sense, the answer to this latter question is quite clear — the purchaser decides what he or she will purchase and spends accordingly. When this is put into a broader context of consequences, duties, obligations, rights, justice, and care, involving a range of stakeholders as well as the commissioner and the evaluator, and the use of public money, the answer is not so clear.

In an earlier publication (Chesterton & Johnston, 1997), attention was drawn to the practice of research contracts at times being given only to researchers and institutions sympathetic to the position or stance of the commissioning body. It is not being suggested that this occurred in the case study outlined in this article. In cases where this practice does exist, however, each contract undertaken for the particular body may become the litmus test for the offering of future contracts. As Scriven and Kramer (1994, p. 3) note in an analysis of commissioned evaluations, there is the distinct likelihood of penalty (not hired in future) attached to producing unacceptable results and reward (further commissions) attached to producing acceptable results. Stake (1998, p. 203) comments that “the practice by most of the evaluators that I know is to attend to the interests of the party that pays for the evaluation.” Lempert (1997, p. 3) cites his experiences of consultants working for private contractors on government evaluations, stating that in a number of cases, “the contractor knows that he or she will win no further contracts unless the client agency is whitewashed, and directs consultants to close their eyes to any evidence of wrongdoing. Consultants not agreeing to play along are in danger of being fired or blacklisted.”

SOME IMPLICATIONS

The issues arising in the case study have signalled to the evaluation team the need to extend the breadth and depth of discussion and negotiation that occur before beginning an evaluation. In par-
ticular, this would involve extending consultation with stakeholders beyond those who are identified or available through the official channels, giving due attention to the lone or minority voice, and exploring in advance the implications of generating findings that are potentially difficult for the commissioning body.

Such actions will not in themselves necessarily remove ethical tensions for the evaluators. Indeed, they may serve to heighten such tensions as the range of expectations and beliefs extend and become more explicit. What is seen as right practice (ethical) may vary according to the particular principles and theoretical bases on which evaluators, and others, make their decisions. Variations may also be a function of the broader cultural contexts in which people are operating. In a review of ethical guidelines and standards of eight national evaluation societies, Perret and Barbier (2000, p. 2) identify a variety of approaches to ethical issues and account for these in terms of the societies’ diverse origins, history, and societal contexts.

Perceptions of right practice may also vary according to individual interpretation as to how a given principle is reflected in practice. This is illustrated in a study involving a random sample of American Evaluation Association members reported by Morris and Jacobs (2000). In this study, members were surveyed as to their views on whether an evaluator had behaved unethically in three case scenarios. The survey revealed significant differences among respondents in their assessments, with respondents citing the same ethical principle as underlying their different decisions. As Morris and Jacobs (2000, p. 402) note, “applying general ethical principles and standards to a particular circumstance can leave a great deal of room for value-based interpretation and differences in prioritization.”

Given the variations in perceptions of right practice that may be encountered, the extended pre-evaluation discussion and negotiation suggested earlier takes on an added dimension: seeking to identify and explore the ethical principles and theoretical positions underpinning the views and expectations expressed by the various stakeholders. This may not be easy, as the participants (or the evaluators) cannot necessarily be expected to have analyzed their views in these terms. The discussion essentially needs to focus on why certain views are held as well as what these views are.

Such discussion should serve to identify underlying principles but also possible conflicts among principles. Stake (1998, p. 207) comments that “ethical behaviour is not so much a matter of following
principles as of balancing competing principles.” Discussion of principles by stakeholders will not provide ready answers but should at least provide a more informed and open basis on which to examine the implications of evaluation options.

In seeking to clarify ethical positions, evaluators have access to ethical guidelines, codes, and standards produced by evaluation societies and associations. The extent to which these may help evaluators depends, however, in part on the extent to which their underlying principles and theoretical positions are clearly identifiable. An extension of the project discussion process suggested above would see the expansion of guidelines, codes, and standards to include specific identification of their underlying principles and theoretical positions. This could be done through an overall statement or on an item-by-item basis in cases where there was a mixture of bases involved. A further expansion would lie in the identification of alternative or supplementary behaviours that might be considered in the light of other theoretical bases or principles. Each of these proposals would help to provide a more informed and open basis on which to examine the implications of evaluation options.

CONCLUSION

Ethical evaluation practice, and the guidelines, codes, and standards that are developed to promote it, are by their nature problematic and subject to continuing challenge. The presence of a range of stakeholders highlights potential conflicts that relate in part to differences in the ethical principles and positions that these stakeholders have adopted. In the case study used in this article, the issues that arose signalled a need to extend the breadth and depth of pre-evaluation discussion and negotiation as a means of identifying and addressing such conflicts. To the extent that the experience of the case study is not unique, it is suggested that pre-evaluation processes may at times be aided by including a focus on identifying and exploring the ethical principles and theoretical positions underpinning the views and expectations of the various stakeholders.

A similar focus is suggested for the ethical guidelines, codes, and standards produced by evaluation societies and associations in cases where their underlying principles and theoretical positions are not readily apparent. This is seen as providing a basis for detailed explication of their underpinning principles and theories as well as
identification of alternative behaviours based on other positions. In turn, this should promote a continuing analysis of the relevance and usefulness of such documents, thereby contributing to their ongoing refinement and development.

REFERENCES


