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Some observations regarding the planned GPEG focus group

My understanding is that the GPEG plans on conducting a focus group with the following intended purposes:

- a. To conduct a cost benefit analysis / impact assessment of introducing the legislation
- b. To provide recommendations to policy makers of any potential alternative approaches / timescale /scope /order of legislation in each phase

Following are some brief observations in particular about some of the proposed concepts and approaches for this endeavour. I start with some commonly accepted definitions of the approaches that have been proposed.

Cost-benefit analysis / impact assessment

These two approaches are *not* at all the same, as implied by the above wording. I consider each of these below.

Cost-benefit analysis

“Cost-benefit analysis (CBA) is a technique used to compare the total costs of a programme/project with its benefits, using a common metric (most commonly monetary units). This enables the calculation of the net cost or benefit associated with the programme.” (betterevaluation.org)

CBA is a measure of efficiency, that is *how well* resources are being used to achieve a given end. This is quite different from *effectiveness*: what difference an intervention has made. It is important to bear in mind that any initiative, no matter how efficient, has no value unless it is effective, at least to some extent.

CBA, while it can be very useful in some contexts, (like any method) also has some limitations. It is most commonly, and most helpfully used to compare the efficiency of alternative approaches with the same aim. Also, CBA is based upon the assumption that all benefits (and costs) can be quantified and expressed in monetary terms. This is a questionable assumption with respect to social policy, especially with respect to an initiative such as anti-discrimination measures that are intended to support human rights and quality of life that cannot meaningfully be translated into monetary terms. The OECD suggests that when benefits cannot be quantified, cost effectiveness may be a suitable alternative.

An alternative approach to CBA, quite common within the UK in particular, is Value for Money (VfM). VfM (as with CBA) represents a ratio between resources expected and the value achieved, usually in terms of effectiveness and impact. A corollary is that the least costly approach does not necessarily produce the best value or highest benefit. A prerequisite for meaningful CBA and VfM is a thorough assessment of all benefits.

In all cases, CBA and VfM can only meaningfully be undertaken ex post, that is after an initiative has at least been initiated. Beforehand, there is, at best, speculation about both potential costs and benefits, and while such hypotheses may suggest avenues to explore, it is premature to conduct meaningful CBA.

Impact assessment

OECD defines impacts as: “Positive and negative, primary and secondary long-term effects produced by a development intervention, directly or indirectly, intended or unintended.”

The betterevaluation.org site adds:

“An impact evaluation provides information about the impacts produced by an intervention. The intervention might be a small project, a large programme, a collection of activities, or a policy. [The OECD] definition implies that impact evaluation goes beyond describing or measuring impacts that have occurred to seeking to understand the role of the intervention in producing these (causal attribution); can encompass a broad range of methods for causal attribution; and, includes examining unintended impacts.”

Impact, and impact assessment, by their very nature, are complex. Impact consists of multiple dimensions and can take various forms, both direct and indirect, short and long term, intended and unintended, expected and unexpected. For example, a government (or private sector) expenditure could be viewed as a cost. But it equally could be viewed as an investment with multiple effects, such as when government spending permits people to be employed, reducing other state expenditures and producing revenue such as taxes, purchases etc. that could help boost the economy. Determining causality rarely is straightforward, and impact assessment almost always requires multiple methods. There is an extensive literature on impact assessment/evaluation, generally consistent with the above.

I note, however, that in the current context, the term “impact assessment” seems to be used in a very different sense, in identifying *opinions* about *potential* impacts. This is something very different, and should not be confused with the actual assessment of what does in fact occur! A more common name for assessment of plans prior to implementation of something is ex-ante evaluation.

It is *not* possible *ex ante* to undertake an assessment of impact of an initiative that has not occurred yet. This, however, can represent a useful exercise, such as in identifying *potential* concerns that should be taken into account during the design and in the various stages of implementation, and also during subsequent evaluation. As well, this could present an opportunity to identify the forms of data that could examine the extent to which concerns have been borne out or not, and also indicate, at a later date, how well the strategy is working or not, and why.

A meaningful *ex-ante* assessment requires various forms of data from a variety of sources. A major limitation is that any conclusions of potential impact would only be hypothetical at this point. This limitation, however, can be mitigated, at least in part, by drawing from similar experiences to date, both from experiences thus far in Guernsey, such those of businesses that already have undertaken steps to increase inclusivity, as well as from experiences in other jurisdictions and also what is documented in the literature. With respect to reasonable adjustment, as discussed below, there is considerable evidence about how this has worked in practice.

What is a focus group, and what it can, and cannot, do

Following is a common definition of focus groups from betterevaluation.org:

“Focus groups is type of group interview designed to explore people’s attitudes. It can be used to find out what issues are of most concern for a community or group when little or no information is available. They are a very common technique but are [and] can be poorly executed unless well planned and facilitated.”

Focus groups is a method that can produce one form of input. I’ve frequently used this data-gathering technique, as part of a broader strategy. Focus groups are frequently used to identify a range of opinions, including fears/concerns/expectations that can be tested against other, more objective sources of evidence. For example, fears about potential costs in the future can be tested against past/current experiences in Guernsey and in other jurisdictions.

Focus groups can be used to identify *potential* issues or concerns that could then be checked out against other evidence and that also, perhaps, might warrant attention during implementation, for example the need to offer advice about how to implement reasonable adjustments in specific situations. They may also suggest things that should be monitored in some way, especially in the early stages of implementation.

As suggested above, focus groups, as with any other data-gathering technique, has strengths and limitations. They represent a *qualitative* data-gathering technique, best used to generate ideas and inputs and hypotheses, and are unsuited for generation of quantitative data. They are often at their best in exploring views and concerns in some detail, thus small groups may generate

more useful data than larger ones. The ideal size for a focus group is usually six to 10 participants, in order to allow for probing and for a focused discussion that can become difficult with larger numbers. A single focus group, while potentially useful for identifying experiences, opinions, and the like, cannot generate findings that can be generalisable. Often, a focus group can be dominated by a small number of participants, in particular by people who are more outspoken or more powerful. In most cases, a series of focus groups to gather diverse viewpoints are conducted.

Give the small numbers involved and lack of representativeness, it can be dangerous and misleading to generalise from just a single focus group, without external validation. Focus group data cannot be applied more widely, or be used for such quantitative techniques such as CBA, although this method can be used to suggest topics and issues to follow up on in more depth. Similarly, while a focus group might be able to elicit ideas and to provide input about potential recommendations, it can do no more than this.

Need for formative evaluation

One important way of addressing possible concerns about an initiative, such as anti-discrimination legislation in Guernsey, is through ongoing or periodic evaluation during all stages of preplanning and implementation. This is frequently referred to as formative evaluation. Formative evaluation can be constructive in nature, identifying what seems to be going well or not, why, and what forms of adjustments or corrective action might be considered. It really is not very useful to wait many years to say that an initiative did not work or that there were problems when it is too late to do anything about these.

Through at least some form of formative evaluation, it can be possible to provide useful guidance at the earliest possible stage, taking into account ancillary activities including training/awareness raising as well as the actual legislation, so that learning can take place, such as about what seems to be working well, identifying good practices and, potentially, stories, that might be of interest to others, as well as about any concerns or difficulties that have arisen.

Evaluation in this way has the potential to facilitate a collaborative approach, where all parties can engage in identifying how to make things work as best as possible for all.

Evidence about costs of reasonable adjustments and benefits of an inclusive society

My own experience, as well as that of others, is that anticipated burdens on employers of reasonable adjustment turn out in practice to be vastly overestimated. For example, the Job Accommodation Network (JAN) in the United States, based upon contacts with thousands of employers and others, has been

collecting such data for many years that indicates that the costs of reasonable accommodation/adjustment in most cases are either nothing or minimal¹. With advanced planning, even some potentially bigger modifications, e.g. making premises wheelchair accessible, can be undertaken as part of other renovations so that additional costs would be minimal or none at all.

The concept of reasonable adjustment means that any burdens on an employer, service provider, or place of business, by definition, must be reasonable and not excessive or overly burdensome. There is an extensive literature which documents that despite sometimes some initial apprehensions, inclusive design that can accommodate all people need not be more costly than designs that, intentionally or otherwise, fail to take into account the needs of everyone. There may be a need, however, for guidance and advice about how adjustments can best be provided, particularly in specific circumstances.

Any impact assessment should also take into account potential benefits, as well as costs, to businesses that are more accessible and inclusive. Concretely, this can widen the pool of potential qualified employees as well as customers who can be welcomed and served. There potentially also can be important symbolic benefits. For example, a business that takes steps towards inclusivity indicates that it is a caring, responsive business, and this can enhance its image, and make it appear as a better establishment to do business with.

It is also helpful to bear in mind that benefits of increased accessibility can be wider than just for people typically thought of as disabled. For example, step-free access not only permits people using wheelchairs to enter and use a premise and to be in a position to be a customer, client, or supplier. It can also benefit many others, such as: people with back or other problems or older people who find steps challenging, pregnant women, women (or men) with push-chairs, people with shopping carts or luggage, etc. Altogether, this easily can represent 40 percent or more of the entire population.

Related to this, an increasing number of jurisdictions are presenting themselves, and being recognised in the international media, as inclusive societies. They feel that this can only enhance their image as a progressive place, welcome to all including tourists, investors, new businesses, and as desirable places to live. If Guernsey would use the anti-discrimination legislation as a means of positioning itself as an inclusive society, potentially this could help put it at a competitive advantage.

¹ I've previously evaluated JAN, most specifically regarding its service to Canada, twice.

Burt Perrin – Brief Bio

Burt Perrin is an author and thinker, independent consultant, with over 40 years' practical experience in evaluation, policy development and strategic planning in a variety of public policy domains. His clients embrace a wide range of bilateral and multilateral organizations including numerous UN agencies, the European Commission, governments, NGOs and private organisations around the world. Sectors of experience include, but are not limited to: international development, disability, food security and agriculture, public policy and governance, health, education, science, economic and regional development and employment, climate change, environment and sustainable development, civil society, humanitarian aid, and youth. He has been active in the disability area, for example undertaking numerous studies for governments, evaluation over four years of the European Disability Forum, and was also the founding president of the Advocacy Resource Centre for the Disabled (ARCH) in Canada.

Burt is a recognized leader in the evaluation field internationally, with numerous presentations and publications on a wide variety of topics, such as: how to make evaluation useful, evaluation and bureaucracy, meaningful approaches to accountability, how to make evaluation useful, evaluation of innovation, dealing with complexity and uncertainty, how to manage evaluations and evaluators, and how to manage and deal with conflict. He has taken on leadership roles in the evaluation field, such as former Secretary-General of the European Evaluation Society and named its first lifetime honorary member, former Vice-Chair of the International Organisation for Cooperation in Evaluation, and founding Director and Fellow of the Canadian Evaluation Society. He is on the editorial boards and peer reviewer for various international professional journals.

Burt holds the Credentialed Evaluator (CE) designation and has over 40 years' practical experience assisting governments, development banks, and other organizations internationally, more recently focusing on providing expert advice and quality assurance regarding planning, evaluation management and activities, and related services. Burt's two most recent publications are: *Changing Bureaucracies: Adapting to Uncertainty and How Evaluation Can Help* (ed., with Tony Tyrrell, 2020, Routledge) and "How to Manage Pressure to Change Reports: Should Evaluators Be Above Criticism?" (*American Journal of Evaluation*, 2019). Examples of other publications include: "Bringing accountability up to date with the realities of public sector management in the 21st century", and (with Bengt Nirje) "Setting the record straight: A critique of some frequent misconceptions of the normalization principle".