

NATIONAL FAMILY VIOLENCE PREVENTION LEGAL SERVICES

WORKING TO ACHIEVE IMPROVED JUSTICE OUTCOMES FOR ABORIGINAL AND TORRES STRAIT ISLANDER
VICTIMS/SURVIVORS OF FAMILY VIOLENCE AND SEXUAL ASSAULT

NATIONAL FAMILY VIOLENCE PREVENTION LEGAL SERVICES FORUM

Submission to the Productivity Commission's Indigenous
Evaluation Strategy Issues Paper

August 2019

“EVALUATION EXPERIENCES HAVE BEEN TOP-DOWN, EXTRACTIVE AND OF LITTLE BENEFIT TO ORGANISATIONS AND COMMUNITIES”

The National FVPLS Forum welcomes the opportunity to provide feedback to the Productivity Commission’s Issues Paper on the development of a whole-of-government Indigenous Evaluation Strategy (the Strategy). The Forum sees this as an important opportunity to centre the voices of Aboriginal and Torres Strait Islander people and the principle of self-determination in current and future evaluation practice.

National FVPLS Forum members have had decades of experience and interactions with government commissioned and external evaluations. Like many other organisations that serve and support Aboriginal and Torres Strait Islander communities, we have had largely negative experiences of the evaluation process. Evaluations in this sector have a long history of disempowerment. We have collectively experienced many evaluations as top-down, extractive and of little benefit to our organisations and the communities we work with.

Acknowledging the history and legacy of evaluation in Australia for Aboriginal and Torres Strait Islander people is a necessary first step in the development of an Indigenous Evaluation Strategy. There is also a need to acknowledge that there is a disconnect between the fundamentally Western foundations on which evaluation has been built and Indigenous epistemologies, philosophies and worldviews.¹ The politics of evaluation also needs to be at the forefront of any conversation about how evaluation can benefit Aboriginal and Torres Strait Islander people. Programs and policy are products of politics, evaluation is political, evaluation reports have political consequences and politics affects the use of evaluation. In our experience, politics, power and control shape all aspects of the evaluation process.

In this submission, the National FVPLS Forum focuses on the proposals and questions most directly impacting our services and the past experiences member organisations have had

¹ Masters-Awatere, B., & Nikora, L. W. (2017). Indigenous programs and evaluation: An excluded worldview. *Evaluation Matters - He Take Tō Te Aromatawai*, (3), 40-66.

with evaluation processes. We believe that Aboriginal and Torres Strait Islander self-determination should underpin every part of the Strategy and emphasise that this principle must be incorporated in the earliest stages of the evaluation process (including the decision to conduct an evaluation). Without self-determination at the front-end and capacity building for Aboriginal and Torres Strait Islander evaluators and organisations, evaluations will hold little value or credibility.

SUMMARY OF RECOMMENDATIONS

1. The Indigenous Evaluation strategy should be underpinned by the principle of self-determination and situate evaluation within conversations about Indigenous Data Sovereignty and Indigenous Data Governance.
3. The strategy must ensure that Aboriginal and Torres Strait Islander communities and organisations are able to define the values informing the evaluative criteria and evaluative judgements about their programs
4. The strategy needs to emphasise that tokenistic “participatory” and co-design processes with Aboriginal and Torres Strait Islander people, organisations and communities are not compatible with self-determination.
5. Aboriginal and Torres Strait Islander people and communities must be supported to lead in evaluation and be decision makers in evaluation processes. There needs to be a strong focus on building the internal evaluation capacity of Aboriginal and Torres Strait Islander Community Controlled Organisations and communities to design, monitor and evaluate programs.
6. Evaluation reports, findings and responses to evaluations(decisions based on evaluations) must be transparent and made available
7. There needs to be transparent processes in regards to evaluation tenders and the criteria upon which evaluators are chosen.
8. There needs to be an accountability mechanism for communities and organisations to review the quality of an evaluation process and the conduct of evaluation commissioners and evaluators.

ABOUT THE NATIONAL FVPLS FORUM

The National FVPLS Forum is comprised of Family Violence Prevention and Legal Service ('FVPLS') member organisations across Australia that provide culturally safe and specialist legal and non-legal assistance and support to Aboriginal and Torres Strait Islander and Torres Strait Islander victim/survivors of family violence – predominantly women and children. FVPLSs also design and deliver essential community education and early intervention and prevention activities. FVPLSs have been working with Aboriginal and Torres Strait Islander and Torres Strait Islander victim/survivors of family violence around the country for almost twenty years. The National FVPLS Forum works to a forum charter to increase access to justice for Aboriginal and Torres Strait Islander people experiencing or at risk of family violence, especially women and children. The National FVPLS Forum members are:

- Aboriginal Family Law Service Western Australia (Perth HO, Broome, Carnarvon, Kununnura, Geraldton, Kalgoorlie, Port Hedland)
- Aboriginal Family Legal Service Southern Queensland (Roma)
- Binaal Billa Family Violence Prevention Legal Service (Forbes)
- Central Australian Aboriginal Family Legal Unit (Alice Springs HO, Tennant Creek)
- Djirra – formerly the Aboriginal Family Violence Prevention and Legal Service Victoria (Melbourne HO, Mildura, Gippsland, Barwon South West, Bendigo Echuca-Shepparton, La Trobe Valley and Ballarat)
- Family Violence Legal Service Aboriginal Corporation (Port Augusta HO, Ceduna, Pt Lincoln)
- Many Rivers Family Violence Prevention Legal Service (Kempsey)
- Marninwarnitkura Family Violence Prevention Unit WA (Fitzroy Crossing)
- Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council Domestic and Family Violence Service (Alice Springs, NPY Tri-state Region)
- Queensland Indigenous Family Violence Legal Service (Cairns HO, Townsville, Rockhampton, Mount Isa, Brisbane)

- Southern Aboriginal Corporation Family Violence Prevention Legal Service (Albany, WA)
- Thiyama-li Family Violence Service Inc. NSW (Moree HO, Bourke, Walgett)
- Warra-Warra Family Violence Prevention Legal Service (Broken Hill)

In this submission, the National FVPLS Forum focuses on the questions most relevant to their services and experiences of evaluation.

WHAT PRINCIPLES SHOULD BE INCLUDED IN AN INDIGENOUS EVALUATION FRAMEWORK TO BE USED BY AUSTRALIAN GOVERNMENT AGENCIES?

Self-determination needs to be at the foundation and the guiding principle behind an evaluation strategy for programs delivered to Aboriginal and Torres Strait Islander communities. Aboriginal and Torres Strait Islander communities and organisations must be involved in decision-making in evaluation processes.

For evaluation to genuinely benefit Aboriginal and Torres Strait Islander communities, there needs to be an intention to serve an agenda which is determined by Aboriginal and Torres Strait Islander people

For evaluation to genuinely benefit Aboriginal and Torres Strait Islander communities there needs to be an intention to serve an agenda which is determined by Aboriginal and Torres Strait Islander people. There is a difference between cultural awareness, cultural competence, culturally responsive or safe

evaluations and Aboriginal and Torres Strait Islander led evaluation. The difference is self-determination. For examples of best practice there are examples of Indigenous led evaluation and Indigenous evaluation frameworks globally and specifically in New Zealand. Maori evaluator, Nan Wehipeihana's framework of evaluation which moves between the spectrum of evaluation being done "to", "for", "with", "by" and "as" Indigenous people is a useful framework to situate what it takes for evaluation to be Indigenous led and for power and control to shift².

Indigenous Data Sovereignty (IDS), Indigenous Data Governance (IDG) and the importance of data for the advancement of self-determination should feature strongly in the conversation about an Indigenous evaluation strategy. The IDS and IDG movement globally, and in Australia has emerged in response to historical and current poor data practices and addressing the right of Indigenous people to govern the "creation, collection, ownership

² <https://www.slideshare.net/nanwehipeihana/a-vision-for-indigenous-evaluation-keynote-presentation-at-the>

and application of their data”.³ Evaluation generates data, the majority of which sits with and is controlled by government agencies commissioning the evaluations. It is important to situate the Strategy within the current initiatives around IDS and IDG⁴.

At the National FVPLS Forum, we see countless examples of data extracted from Aboriginal and Torres Strait Islander communities and organisations during evaluations. This data is primarily extracted for accountability purposes and to service government requirements rather than to support self-determination or the agendas of Aboriginal and Torres Strait Islander organisations delivering services or programs. The draft and final evaluation reports (and the decisions taken based on evaluations) are not always shared with the organisations or communities and very rarely made publicly available. When they are made available, the way they are presented and shared (long written reports using language which is impenetrable) and the lack of ownership of the process impedes use and sharing within organisations and communities.

WHICH EVALUATION APPROACHES AND METHODS ARE PARTICULARLY SUITED TO POLICIES AND PROGRAMS AFFECTING ABORIGINAL AND TORRES STRAIT ISLANDER & TORRES STRAIT ISLANDER PEOPLE?

As values are at the heart of evaluation, there is no quick fix of selecting the right evaluation approach or method as a way to “embed culture” or to make evaluations more Aboriginal and Torres Strait Islander led or even culturally safe. Evaluation is largely about making claims about values. The purpose of evaluation is to make a judgement of the value of something (i.e. a policy or program). The process taken to define and agree on which and

³ <https://www.maiamnayriwingara.org/projects-1>

⁴ For more information see Kukutai, T. and Taylor, J. eds. 2016. Indigenous Data Sovereignty: Towards an Agenda (Vol. 38) ANU Press;

whose values which will be used to arrive at an evaluative judgement matters⁵. Often there is no consultation, let alone leadership from Aboriginal and Torres Strait Islander communities and Aboriginal and Torres Strait Islander Community Controlled Organisations about what characteristics define value for a program. Values inform the evaluation questions, the criteria of merit and standards used, what data is looked at, and how that

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data is analysed to form a judgement on a program⁶. These decisions, many of which are in the evaluation planning and design stage, are often made by the commissioners of the evaluation (in this case government departments) and the evaluators who win the tender.

Similarly, certain dimensions of change related to cultural strengthening, cultural safety, holistic definitions of well-being, voice and control are often valued and weighted differently by non-Aboriginal and Torres Strait Islander evaluators and commissioners of the evaluation. In our experience, foundational cultural outcomes are often sidelined or seen as a means to an ends, rather than an integral part of what makes a program valuable or successful.

Currently there is very little attention paid to making values explicit in evaluations affecting Aboriginal and Torres Strait Islander people. Until this happens, evaluations will continue to have little benefit for Aboriginal and Torres Strait Islander communities.

While we support participation at every step of the evaluation process (including the decision to conduct an evaluation), there needs to be caution around framing certain evaluations as “participatory” as there is a spectrum as to what can be considered genuine participation and who considers it genuine. Just like co-design and other “participatory” approaches, the role of power and who holds the real power is often disguised, but remains unchanged. In the experience of our members, when evaluations have been termed

⁵ Hannum, K. & Gullickson, A. M. (2018, September). Values and Synthesis: Evaluation’s Power Core. Short paper presentation at Australasian Evaluation Society Conference, Launceston, TAS, Australia;

⁶ Hassall, K (2019) Recognising values: Values literacy for evaluation.

“participatory” this often means that participation has happened in only one or two aspects of the evaluation process (i.e. being informants during data collection or providing feedback on a long inaccessible report whose evaluation design and methodology was pre-determined). These “participatory” approaches are not compatible with self-determination.

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needs to further the conversation on the redistribution of power and who initiates and undertakes the evaluation process and who learns or benefits from the findings.

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WHAT IMPEDIMENTS ARE

THERE TO IMPROVING

EVALUATIVE CULTURE, CAPABILITY AND CAPACITY AND WHAT CAN BE DONE TO ADDRESS THESE?

In terms of evaluative culture, capability and capacity, it appears that the focus of the Indigenous Evaluation Strategy is to “develop an evaluative culture, capacity and capability in Australian government agencies”. While it is mentioned, there needs to be a much stronger focus on resourcing the internal evaluation capacity of Aboriginal and Torres Strait Islander Community Controlled Organisations and of communities not only to evaluate, but to lead the design of programs, the definition of outcomes and measures of success.

Unless there is a constant and intentional effort to build a pool of Aboriginal and Torres Strait Islander evaluators, or build the capacity of organisations already delivering programs, we will only ever move between evaluations done “to”, “for” and at best “with” Aboriginal and Torres Strait Islander people. We will also be stuck in a constant cycle of educating and resourcing non-Aboriginal and Torres Strait Islander evaluators and commissioners to be “culturally safe”.

There needs to be a long-term and broad approach taken to evaluation capacity building. We have seen in recent government evaluation practice that there is a tendency to tack on evaluation capacity building to a rushed evaluation at the end of a funding cycle without a long-term vision and the appropriate time and resources afforded. This capacity building is

There needs to be a stronger focus on building the internal evaluation capacity of ACCOs

also nearly always done by non-Aboriginal evaluators who do not necessarily have the skill set for capacity building. There also has to be different approaches to building capacity that not only draw on non-Aboriginal and Torres Strait Islander worldviews and ways of teaching and learning.

There are promising examples globally of Indigenous to Indigenous evaluation training, coaching and opportunities, particularly in New Zealand. The recent 2018 Indigenous Peoples' Conference on Evaluation hosted by the Ma te Rae – Maori Evaluation Association is a great example. Across Australia, there are also many “ground up” examples of ACCOs and communities building their own internal capacity in monitoring and evaluation according to their agenda and according to their values and principles. This good practice should be drawn upon and resourced to reframe how evaluation can be conceptualized and practiced to contribute to self-determination.

Importantly, the resourcing for this type of “ground up” and organisational strengthening in design, monitoring and evaluation needs to be separate to and not squeezed from service delivery funding.

WHAT ARE THE STRENGTHS AND WEAKNESSES OF CURRENT EVALUATION SYSTEMS AND PRACTICES ACROSS AUSTRALIAN GOVERNMENT AGENCIES? CAN YOU PROVIDE EXAMPLES OF GOOD AND BAD PRACTICE?

A weakness in current evaluation practice across Australian Government agencies is the lack of transparency around the evaluation tendering process. It is unclear how evaluation firms or academic institutions are chosen and what these decisions are based upon. In our

experience, there is very little information or consultation related to these decisions. Organisational and community contact with the evaluation practitioners often only begins when data collection is being planned which requires the organisation or community to coordinate logistics. The Strategy should incorporate a review as to how currently evaluators are chosen, what the criteria is, the competencies required and who forms part of the pool of evaluators and consultancy firms. It is important to review how many Aboriginal and Torres Strait Islander evaluators form part of that pool what part they play when they are brought on as part of a team.

HOW DOES THE AUSTRALIAN GOVERNMENT AGENCIES CURRENTLY DEAL WITH ETHICAL ISSUES ASSOCIATED WITH EVALUATION?

Ethics processes need to more explicitly address concerns and issues related to Indigenous Data Sovereignty and Indigenous Data governance. There also needs to be more focus on not just the “procedural” aspects of ethics approval but on the “relational” aspects and the conduct of an evaluation process. The National FVPLS Forum members have worked for decades with Aboriginal and Torres Strait Islander communities and have built long-standing relationships of trust and respect. Trust is foundational when working in the area of family violence and with victims/survivors of violence. The fly in fly out approach to evaluation which we often observe does not align with a relational and respectful way of working and also does not give enough attention to context. Time, relationship building and the interactions between any evaluator and community organisations and communities must be given more attention.

The way in which evaluations are carried out in an “expert driven” and “alienating” way does not provide the space for community organisations or communities to properly engage or even question the process. In our experience, the language of evaluation is often inaccessible, and the onus is placed on the organisation delivering a program/service to interpret and make sense of the methodology, data collection tools and report. This reiterates the point that if evaluation remains inaccessible, the process will remain

Ethics is about the
“relational” aspects not
only the “procedural”
aspects

disempowering, the end-product will not be used and it will have limited benefit to Aboriginal and Torres Strait Islander people.

For evaluation experiences to be improved we recommend an accountability mechanism is created

for communities and organisations to review an evaluation, not just the quality of the product (more often than not a report) but the process (looking at each stage of the evaluation). This will capture the “lived experience” of the Aboriginal and Torres Strait Islander community organisation and community who has been involved in the evaluation. We often hear that an evaluation was a “good” evaluation, that it was “participatory”, that it was “culturally safe”. However, we are rarely asked to offer up our perspectives or set the criteria on what makes an evaluation a good evaluation. This type of mechanism would also help inform what point on the spectrum evaluations are in terms of being done “to”, “for”, “with”, “by” and “as” Aboriginal and Torres Strait Islander people.