



Indigenous and
Northern Affairs Canada

Affaires autochtones
et du Nord Canada

Final Report

Lessons Learned Study of the Personal Credits Process

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and Review Branch
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Canada 

Table of Contents

<i>List of Acronyms</i>	<i>ii</i>
<i>Executive Summary</i>	<i>iii</i>
1. <i>Introduction</i>	1
1.1 Personal Credits – Overview	1
1.2 Personal Credits – Administration.....	2
2. <i>Methodology</i>	6
3. <i>Findings</i>	8
3.1 Personal Credits – Timelines and Resources.....	8
3.2 Personal Credits – Communication Process	10
3.3 Personal Credits – Application Process	11
3.4 Personal Credits – Administration Plan.....	16
3.5 Personal Credits – Oversight of the Administration Process	16
4. <i>Conclusion</i>	19
<i>Appendix A – Documents Reviewed</i>	21

List of Acronyms

CEP	Common Experience Payment
EPMRB	Evaluation, Performance Measurement and Review Branch
INAC	Indigenous and Northern Affairs Canada

Executive Summary

A lessons learned study was conducted of Indigenous and Northern Affairs Canada's (INAC) role as trustee in the delivery of Personal Credits. The study was identified in INAC's 2014-15 to 2018-19 Five Year Plan for Evaluation and Performance Measurement Strategies and was conducted from September 2015 to June 2016. It was presented to INAC's Evaluation, Performance Measurement and Review Committee in September 2016.

The establishment of Personal Credits emerged from the May 2006 Indian Residential Schools Settlement Agreement, which was designed to compensate eligible former residential school students for their common experience at an Indian residential school. In the event that more than \$40 million remained in the Designated Amount Fund, after the payment of all Common Experience Payments, the monies in the \$1.9 billion Trust Fund, from which Common Experience Payments were made to former residents of Indian residential schools, would be used to fund Personal Credits.

Personal Credits – Overview

Personal Credits were credits redeemable by Common Experience Payment recipients for personal or group educational services, provided by eligible educational institutions and groups. They represented a no-cash value credit of up to \$3,000. Personal Credits were transferable to family members¹ and could be combined with the Personal Credits of other individuals.

Personal Credits – Roles and Responsibilities

The administration of Personal Credits involved numerous parties. Indigenous and Northern Affairs Canada held the role of trustee responsible for oversight of the agent of the trustee, Crawford Class Action Services. Crawford Class Action Services administered the Personal Credits process. The Assembly of First Nations and Inuit Representatives played roles in the formulation of the terms and conditions for the administration of Personal Credits and in supporting its administration with Common Experience Payment recipients. Employment and Social Development Canada/Service Canada held responsibilities for the administration of the Designated Amount Fund out of which Personal Credits were paid.

Personal Credits – Timing and Resources

Personal Credits were delivered between the fall of 2014 and August 31, 2015. The cost to administer Personal Credits was estimated at \$23.6 million, including \$2.4 million to be used by INAC in support of its role.

¹ Family members are defined in the First Nations, Métis and all other Non-Inuit Recipients Personal Credits - Terms and Conditions or Terms and Conditions for the Delivery of Personal Credits to Inuit Common Experience Payment Recipients Under the Indian Residential Schools Settlement Agreement, as applicable.

Personal Credits – Application Process

The application process for Personal Credits involved two steps. Step 1 involved the completion of an Acknowledgement Form, which would indicate who would use the Personal Credits and at which educational entity(ies) and/or group(s) the Personal Credits would be redeemed. Step 2 involved the completion of a Redemption Form, which the recipient, or the transferee(s), had to submit to the educational entity(ies) or group(s) that was to provide the educational service. It would then be completed by the educational entity(s) or group(s) and submitted to Crawford Class Action Services.

Study Overview, Methodology and Limitations

The study addresses lessons learned based on the role of INAC as trustee of the fund from which Personal Credits were paid, and overseer of Crawford Class Action Services. It does not address the impact of Personal Credits on recipients and/or family members. The study was carried out using document and administrative data review and group and in-person interviews. It did not include interviews with other parties involved in Personal Credits administration. However, given that the administrative process for the delivery of Personal Credits involved other parties, the report does reflect on actions taken by all involved in the process.

Findings

From the close to 80,000 Common Experience Payment recipients who were eligible to receive Personal Credits, just over one fifth benefited from the initiative. A number of factors contributed to the challenges faced by INAC, and supporting parties, in the administration of Personal Credits and efforts to ensure strong uptake. These included:

- An ambitious initiative originally set at approximately 15 months in duration - a timeline that included the time needed by the recipient to identify and complete educational activities;
- The petitioning to the Courts to extend the duration of the initiative in order to allow for greater uptake of Personal Credits, resulting in increased effort and expense required to deliver the initiative;
- The target audience for Personal Credits was aging, and a portion of it was transient;
- The use of a mailing list that was outdated by approximately seven years; and
- The Personal Credits application and redemption process that was generally viewed as complex.

INAC reacted and adjusted to these and other challenges, in collaboration with other parties involved in Personal Credits implementation, as follows:

- In response to low uptake and other issues, and in addition to its regular working group meetings with Crawford Class Action Services and other Recipient Organizations, in the fall of 2014, INAC led a ‘Workout’ session with other parties in order to ensure all parties had a common understanding of the Personal Credits process and its terms and conditions.
- In partnership with other parties, INAC successfully petitioned the Court to extend the Personal Credits Administration Plan timelines. This was done in order to allow a higher number of Common Experience Payment recipients and family members to access the educational credit.

- INAC worked with the Assembly of First Nations and Inuit Representatives to obtain up-to-date contact information so that information packages could be resent to those whose packages had been returned as undeliverable.
- Aboriginal liaisons with the Assembly of First Nations and Inuit representatives were engaged to play important roles in communicating information about Personal Credits to those who could potentially receive them.

1. Introduction

This study, conducted by Indigenous and Northern Affairs Canada's (INAC) Evaluation, Performance Measurement and Review Branch (EPMRB), was designed to examine the quality of the practices used by INAC in its role as trustee and overseer of the Agent of the trustee in implementing and overseeing the delivery of Personal Credits. Also referred to as a 'lessons learned study', the emphasis in such a study is placed on determining the extent to which INAC undertook and completed its role as prescribed, and what lessons were learned that could be applied to future similar processes. It does not represent an evaluation as per the Treasury Board of Canada's *Policy on Results*.

The study was listed as an item in INAC's Five Year Plan for Evaluation and Performance Measurement Strategies 2014-15 to 2018-19, and its Terms of Reference were approved in September 2015 by INAC's Evaluation, Performance Measurement and Review Committee. This report was then presented to Evaluation, Performance Measurement and Review Committee in September of 2016 for recommendation for approval by INAC's Deputy Minister.

1.1 Personal Credits – Overview

In May 2006, the Government of Canada announced the approval of the Indian Residential Schools Settlement Agreement. The Settlement Agreement established a \$1.9 billion Trust Fund, also known as the Designated Amount Fund, to compensate eligible² former residential school students for their common experience of residing at Indian residential schools specified in the Settlement Agreement. These payments were called Common Experience Payments.

According to the Settlement Agreement, if more than \$40 million of the \$1.9 billion remained in the Designated Amount Fund after all Common Experience Payments were made, the resources would be used to make available to Common Experience Payment recipients 'Personal Credits'. Personal Credits were credits redeemable for personal or group educational services provided by approved educational institutions and groups. They represented a no-cash value credit of up to \$3,000. Personal Credits were transferable to family members³ and could be combined with the Personal Credits of other individuals.

The objectives of Personal Credits, as articulated in the First Nations, Métis and all other Non-Inuit recipients Personal Credits – Terms and Conditions, included contributing to the fair, comprehensive and lasting resolution of the legacy of Indian residential schools and promoting education and reconciliation. They were also intended to: support an increase in the number of First Nations and Métis students who graduate from high school; support an increase in the number of First Nations and Métis students who attend post-secondary school; and foster education in

² "Eligible Common Experience recipient" means any former Indian Residential School student who resided at any Indian Residential School prior to December 31, 1997, and who was alive on May 30, 2005, and who did not opt out, or was not deemed to have opted out of the Class Actions during the Opt-Out 13 Periods or was a Cloud Student Class Member"; <http://www.residentialschoolsettlement.ca/IRS%20Settlement%20Agreement-%20ENGLISH.pdf>

³ Family members are defined in the First Nations, Métis and all other Non-Inuit Recipients Personal Credits - Terms and Conditions.

First Nations' and Métis' respective traditional knowledge, language and culture revitalization.⁴ While the Terms and Conditions for the Delivery of Personal Credits to Inuit Common Experience Payment recipients under the Indian Residential Schools Settlement Agreement are not as precise in identifying objectives, the requirement was that they be used by Inuit Common Experience Payment recipients to participate in any eligible educational programs or services: normally offered to the public by a recognized educational entity or group; designed to develop or improve basic literacy and numeracy skills; or, which is an Inuit language or cultural program or service.

At the conclusion of the Personal Credits disbursement period, the Indian Residential Schools Settlement Agreement required the remaining funds to be transferred to the National Indian Brotherhood Trust Fund and the Inuvialuit Education Foundation for educational programs to be accessed by First Nations, Inuit, Inuvialuit and Métis peoples.

1.2 Personal Credits – Administration

1.2.1 Roles and Responsibilities

The parties playing roles in the administration of Personal Credits included the following.

- **The Trustee** – On behalf of Her Majesty in Right of Canada, the incumbent ministers from time to time responsible for Indian Residential Schools Resolution Canada and Service Canada act as Trustee of the Designated Amount Fund, out of which Common Experience Payments and Personal Credits were paid. As a result, both INAC and Employment and Social Development Canada/Service Canada, played roles in the implementation of Personal Credits. As per the October 31, 2013, Personal Credits Court Order, INAC, as co-trustee of the Indian Residential Schools Settlement Agreement along with Employment and Social Development Canada/Service Canada, was ordered to provide staff and infrastructure needed to review supporting documentation provided by the agent of the trustee. This direction was given in order to ensure that the Agent conformed to the Court approved terms and conditions and to satisfy requirements for product verification obligations under the *Financial Administration Act*. The departments had therefore approximately seven months in which to develop an administration plan for Personal Credits. Staff and infrastructure support was ultimately provided by INAC's Settlement Agreement Branch. The Department's main task, through the Settlement Agreement Branch, was to oversee Crawford's administration of Personal Credits, to review Personal Credits applications recommended for payment, and to ensure that they met the requirements as per the Court approved Personal Credits terms and conditions, as well as Section 34 financial delegation authority.

A Memorandum of Understanding was signed between INAC and Employment and Social Development Canada/Service Canada for the delivery of Personal Credits. A Memorandum of Understanding for the Common Experience Payments and the Designated Amount Fund was already in place for the implementation of Common Experience Payments.

⁴ See First Nations, Métis and all other Non-Inuit Recipients Personal Credits - Terms and Conditions or Terms and Conditions for the Delivery of Personal Credits to Inuit Common Experience Payment Recipients Under the Indian Residential Schools Settlement Agreement, as applicable.

- **The Agent of the Trustee** – Crawford Class Action Services, a Canadian firm based in Waterloo specializing in claims services, business process outsourcing, and consulting, was designated by Canada as the Agent of the Trustee. It received from Canada the mandate to administer the process that would support the distribution of Personal Credits. Crawford Class Action Services was responsible for receiving Personal Credits acknowledgement and redemption forms, assessing these forms, resolving application deficiencies with Common Experience Payment recipients and/or educational entities/groups, and denying applications that were incomplete or deficient as of prescribed deadlines. Crawford established and operated the help desk/call centre to assist Common Experience Payment recipients, family members, educational entities and groups. In addition, the firm was responsible for administering payments to educational entities/groups for approved applications.
- **Recipient Organizations** – The Assembly of First Nations and Inuit representatives⁵ played a role in the formulation of the terms and conditions for the administration of Personal Credits, as they were involved in negotiations with Canada on terms and conditions content.

The Assembly of First Nations and Inuit Representatives also played a role in the administration of Personal Credits by supporting First Nations, Métis, Non-Inuit and Inuit Common Experience Payment recipients in understanding Personal Credits and the application process to receive them. The Assembly of First Nations received a budget for communications activities designed to fill any gaps in a wider strategy. It used these resources to make information on Personal Credits available on its website and to create print and social media materials that explained the application process and how to complete forms, to put in place a help desk and to offer support. It also played a role in addressing any emerging needs, such as the process for pooling applications for educational activities related to culture, languages or history.

The Assembly of First Nations also put in place four Aboriginal liaisons and the Inuit representatives received funding for four full-time employees (collectively, the “liaisons”). The liaisons worked with First Nations, Métis, Non-Inuit as well as Inuit Common Experience Payment recipients and organizations to disseminate information about Personal Credits. They also assisted Common Experience Payment recipients and group educational entities in filling out application forms. In addition, the liaisons worked with communities to coordinate the development and delivery of group programs and services related to the preservation, reclamation, development or understanding of First Nations, Métis or Inuit identities, history, culture or language. Within the Assembly of First Nations, Aboriginal liaisons were in place starting in February 2014 and work was expected to be completed in May 2015.

⁵ Inuit Representatives refers to the Inuvialuit Regional Corporation, Nunavut Tunngavik Inc., and the Makivik Corporation.

- **Aboriginal Advisory Committees** – The Court Order of October 31, 2013, included the establishment of advisory committees in support of the administration of Personal Credits. Put in place were two committees, namely the Personal Credits for First Nations, Métis and all other Non-Inuit Common Experience Payment Recipients Advisory Committee, and the Personal Credits for Inuit Common Experience Payment Recipients Advisory Committee. These committees were responsible for: providing general administrative advice and direction; reviewing and approving educational institutions and groups, programs and group educational services that were not on the approved list; and reviewing and making decisions on Personal Credits appeals.

1.2.2 Personal Credits – Timelines

An audit of the Designated Amount Fund was completed in August 2013 and determined that an amount exceeding \$40 million remained following payment of all Common Experience Payments. A period of seven months then ensued within which Canada needed to finalise Terms and Conditions with the Assembly of First Nations and Inuit Representatives, and develop both an administration plan and notice plan. These were then approved in October 2013 through court order. The actual implementation of the Personal Credits process began in January 2014 and was planned to be completed by April 30, 2015. However, the completion date was later revised to August 31, 2015.

1.2.3 Personal Credits – Eligible Education Programs and Services

A pre-approved list of educational institutions and groups was jointly developed by Canada, the Assembly of First Nations and Inuit Representatives. Common Experience Payment recipients could also request to have their Personal Credits redeemed at an educational institution or group that did not appear on the approved list.⁶

1.2.4 Personal Credits – Administrative Costs

The anticipated costs associated with the administration of Personal Credits were approved by Court Order on October 31, 2013, and were to be paid out of the Designated Amount Fund.⁷ Costs were estimated at approximately \$23.6 million.⁸ The largest proportion (\$15.7 million or 66.5 percent) was set aside for the administration of Personal Credits by the Agent of the Trustee, Crawford Class Action Services. This was followed by approximately \$2.4 million (10.2 percent)⁹ for INAC administration and oversight; approximately \$2.3 million (9.6 percent) for Assembly of First Nations liaison activities; and approximately \$1.2 million (five percent) for Inuit representation liaisons. Remaining amounts included just over \$1.0 million (4.2 percent) for Employment and Social Development Canada/Service Canada in support of the administration of the Designated Amount Fund; \$0.8 million (three percent) in support of a notice development plan, and \$0.2 million (0.9 percent) for the work of the Advisory Committees.

⁶ To respond to such cases, two Advisory Committees were created (Assembly of First Nations and Inuit) and the appropriate Advisory Committee determined whether the recipient's request met the criteria outlined in the terms and conditions.

⁷ See Article 5.8 (2) of the Indian Residential Schools Settlement Agreement.

⁸ On October 31, 2013, the British Columbia Supreme Court approved an overall budget of \$23,597,929 for the delivery of the Personal Credits process.

⁹ INAC program staff indicated that the department did not draw on resources from the Designated Amount Fund to cover its administrative expenses.

1.2.5 Personal Credits – Application Process

Anyone who received a Common Experience Payment could apply for Personal Credits. There were two steps to the Personal Credits application process, as described below.

- **Step 1: Acknowledgement** – Common Experience Payment recipients were sent a Personal Credits information package in the mail. Included in this package was a Personal Credits Acknowledgement Form that was personalized for the recipient. The recipient had to complete the form by indicating who would be using the Personal Credits and at which educational entity(ies) and/or group(s) the Personal Credits would be redeemed.
- **Step 2: Redemption** – Once the information provided on the Acknowledgement Form was processed and approved, a second form, called the Personal Credits Redemption Form, was mailed to the Common Experience Payment recipient. A Redemption Form was sent for each Common Experience Payment transferee using the Personal Credits. The Common Experience Payment recipient, or the transferee(s), had to submit the Redemption Form(s) to the educational entity(ies) or group(s) that was to provide the educational service.

The educational entity(ies) and/or group(s) then had to complete the Personal Credits Redemption Form and submit it to Crawford Class Action Services, care of the Personal Credits Administrator.

It was the responsibility of the Common Experience Payment recipient to ensure that the Personal Credits deadlines were met.

2. Methodology

This lessons learned study of the administration of Personal Credits involved collecting data using the following methods.

- **Document and Administrative Data Review** – Indigenous and Northern Affairs Canada staff provided access to key documents pertaining to Personal Credits and their administration including: general information related to the legislative process leading to the establishment of Personal Credits; information pertaining to INAC and Crawford Class Action Services’ administration of Personal Credits disbursements; and general administrative data. In addition, publicly available information was consulted, including videos, INAC and Assembly of First Nations communications materials and general media information. Appendix A includes the list of consulted documents and information materials.
- **Group and In-person Interviews** – Two three-hour group interviews were held with INAC program staff and Legal Services Unit staff from the Department of Justice who were involved in the administration of Personal Credits and the oversight of Crawford Class Action Services. The purpose of these sessions was to capture information on the strengths and weaknesses of the Personal Credits administration process. They were followed by a series of one-on-one meetings with INAC staff designed to obtain any missing information.

In addition, supplementary consultations were held with INAC’s Legal Services Unit to obtain insights on the legal aspects of Personal Credit administration.

2.1.1 Data Analysis

Data was considered and analysed using the general study technique of data triangulation. Triangulation involves using more than one method to collect data on the same topic. The purpose of triangulation is not necessarily to cross-validate data, but to capture different dimensions of the same phenomenon. In addition, decision tree analysis was used as a framework for the discussion groups.

2.1.2 Limitations

As a lessons learned study, the work did not address the impact of Personal Credits on Common Experience Payment recipients and/or family members. The study focused on the lessons learned by INAC during the implementation and delivery of Personal Credits. The work did not include interviews with other parties involved in Personal Credits administration.

The study is meant to focus on the actions taken by INAC in its role as Trustee of the Personal Credits and overseer of the Agent of the Trustee, Crawford Class Action Services, charged with the administration of Personal Credits. However, given that the administrative process involved other parties (See Section 3 – The Administration of Personal Credits), the report does reflect on practices taken by all involved in the process to deliver Personal Credits to Common Experience Payment recipients.

2.1.3 Quality Assurance

INAC's EPMRB led and conducted the study. It was conducted according to the Branch's Engagement Policy and Quality Control Process. As a lessons study, no oversight or working groups were established by the Branch. Instead, INAC program staff provided important insights in support of the work.

3. Findings

The following section documents the findings of the study. It begins with an overview of the level of uptake of the Personal Credits in the timelines initially prescribed and examines adjustments made to the initial implementation plan in order to address uptake issues. It then examines adjustments made by INAC to address some of the challenges faced. As identified under limitations, while the report attempts to isolate the role of INAC specifically, the fact that the process involved key activities by other substantial parties, particularly Crawford Class Action Services, the Assembly of First Nations and Inuit Representatives, not all adjustments or practices can be fully attributed to INAC alone.

3.1 Personal Credits – Timelines and Resources

As already noted, the Audit of the Designated Amount Fund was completed in August 2013 allowing a period of only seven months to finalise Terms and Conditions with the Assembly of First Nations and Inuit Representatives, and to develop both an administration plan and notice plan for Personal Credits to support disbursement of the credits. Program officials expressed that this short timeframe made it difficult to fully plan for the administration of the Personal Credits, including strategies for reaching out to potential recipients and ensuring that they could be reached. This, they felt, contributed to the issues discussed below that eventually led to lags in update and the need to extend administrative timelines.

The delivery of the Personal Credits process then began in January 2014 with the launch of the notice plan that outlined key communications activities. Administration and disbursement of Personal Credits was scheduled to be completed within 15 months, namely by April 30, 2015. A mass mail-out of Personal Credit information packages, including Acknowledgement Forms, by Crawford Class Action Services also took place around this time. However, uptake was slow with available data suggesting that responses only began in earnest in the fall of 2014 as the Acknowledgement Form deadline approached.

As a result of the low uptake, INAC worked to have the initiative extended. On January 8, 2015, the British Columbia Supreme Court¹⁰ approved a court order extending the completion date to August 31, 2015. This gave eligible recipients more time to complete the application process and associated educational activities.

Table 1 shows the initial and revised dates for key aspects of the delivery of Personal Credits.

¹⁰ The British Columbia Supreme court is a supervising court for the Indian Residential Schools Settlement Agreement.

Table 1: Planned and Revised Personal Credits Administrative Timelines

Administrative Process	Planned Dates	Revised Dates
Audit of the Designated Amount Fund	March 2013	
Court ordered approval of Terms and Conditions, Administration Plan and Notice Plan	October 31, 2013	---
Launch of Initial Notice Plan	January 2014	---
Mass mail-out by Crawford Class Action Services	January 30, 2014	---
Receipt of Acknowledgement Forms	October 31, 2014	March 9, 2015
Receipt of Redemption Forms	December 1, 2014	June 8, 2015
Completion of Educational Activities	April 30, 2015	August 31, 2015

As can be seen, each of the key administrative processes experienced an extension of between four to five months. With the January 2015 revisions, the total time to complete the process (starting from approval of the Terms and Conditions) went from approximately 15 to 20 months.

The initially low level of uptake of Personal Credits by Common Experience Payment recipients, felt in part to be the product of a short planning period (seven months), was a key contributing factor leading to the revision of administrative timelines. For instance, it was not until June 2014, that the first redemption forms were received and processed for payment. Then, as of December 31, 2014, 11 months into the process, 33 percent (25,936/79,347) of those who were sent packages had completed and submitted the forms to Crawford Class Action Services. However, only 60 percent of these (15,436) were approved. Fourteen percent (3,659/25,936) were deemed deficient and another 17 percent (4,475/25,936) were in progress.

Notwithstanding the application process of Personal Credits and the communications activities around it, reflection on the initial timelines for their administration calls into question the feasibility of going through a multi step acknowledgement and redemption process, and then still completing educational activities within the remaining time frame, likely only a few months in duration. The application processes in some educational institutions can be lengthy and may not have aligned to initial Personal Credits administration plan timelines. Considering the cycle of most educational institutions with fall/winter, winter/spring and summer semesters, application deadlines can sometimes be required months in advance. At best, the initial timelines for Personal Credits would have aligned to a winter/spring semester in most secondary and post-secondary institutions. Given the extension, individuals could then have pursued educational activities into a summer or fall semester. However, if they previously did not show a desire to pursue use of the Personal Credits, the extension may still not have given them the opportunity to sufficiently plan educational activities. Further, it was reported that some educational institutions did not have sufficient resources to address the administrative burden placed on them and, therefore, could not process forms in a timely manner.

It would also be reasonable to assume that not everyone who might be eligible would have access to educational activities of interest. Further, the average age of Common Experience Payment recipients was upward of 60 years of age in 2014, an age where pursuit of educational activities is generally not as high as for younger individuals. While the Personal Credits were transferable to other family members as prescribed, time would be involved to work out the details of the use of these credits by these family members (i.e., consultation and communications with the family member).

Lesson Learned – INAC staff suggested that the target audience for Personal Credits could have been more clearly defined and expanded to include other family members. Reframing the target audience would have influenced notice planning, i.e., the communications strategies designed to support awareness of Personal Credits.

3.1.1 Process Timelines

The Personal Credits process was designed with a series of process deadlines. As a result, Crawford Class Action Services experienced a significant influx of forms being received prior to deadlines.

Responding to a large volume of form submissions proved challenging to Crawford Class Action Services. As a result, the firm was unable to meet its service standards for the processing of acknowledgment forms and redemptions. This increased the level of management oversight required by INAC, placing strains on its resources.

Lesson learned – Initiative design may consider options for staggering process end dates or considering how these might affect processing timelines. In addition, planning for additional resources to handle high levels of form processing can be built into delivery budgets to allow for service standards to be met.

Mitigating Strategies – Additional resources were identified within the Settlement Agreement Branch and at Crawford Class Action Services in order to assist with the influx of applications received at various deadlines. These additional resources also helped to mitigate some inconsistency in the treatment of applications by Crawford Class Action Services staff.

3.2 Personal Credits – Communication Process

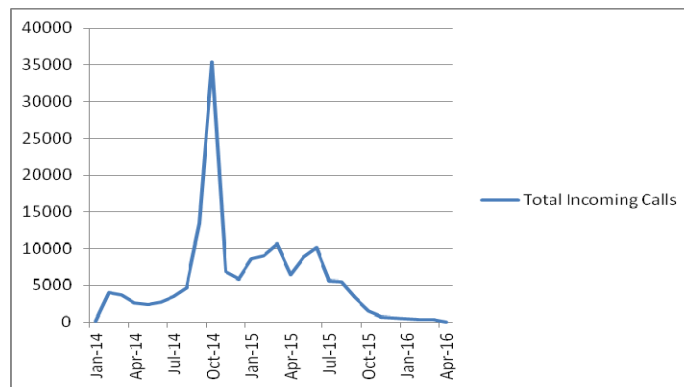
In support of building awareness of Personal Credits among the approximately 80,000 Common Experience Payment recipients who would be eligible to receive them, Hilsoft Notifications, a professional notice firm with expertise in notice content and design and methods of dissemination (i.e., program reach calculations) was contracted by INAC in 2013 to develop a notification and awareness strategy for Personal Credits. Hilsoft proposed a multimedia effort designed to reach both the Common Experience Payment cohort as well as a younger cohort (starting at age 18) who might be recipients of the program if designated by the Common Experience Payment recipient. The strategy included mail, radio, television, print, internet and public outdoor advertising. Initial notice plan activities were undertaken at the outset of the initiative by Hilsoft Notifications and Crawford Class Action Services in support of building awareness of Personal Credits.

Indigenous and Northern Affairs Canada undertook a second effort in the summer of 2014 to raise awareness of the then-October 31, 2014, deadline for receipt of acknowledgement forms. This effort included direct mail to Common Experience Payment recipients, e-distribution of a postcard to educational entities and Aboriginal organizations, social media and targeted radio spots.

Upon extension on January 8, 2015, of Personal Credits timelines, including the timeline for the acknowledgement form from October 31, 2014, to March 9, 2015, INAC again undertook targeted outreach to inform former students, their families, parties to the Indian Residential Schools Settlement Agreement and educational entities and groups of the new deadlines.¹¹ This effort included targeted electronic outreach to: educational entities; Indian Residential Schools Settlement Agreement parties; Aboriginal organizations and health centres; newspaper ads; social media; radio ads and public service announcements; and joint news releases with the Assembly of First Nations and Inuit representatives.

To support general enquiries, toll free telephone lines were established by both Crawford Class Action Services and the Assembly of First Nations. At Crawford, a multilingual help desk was set up. Diagram 1 shows how communications activities positively influenced call line volumes at Crawford Class Action Services.

Diagram 1: Total Incoming Calls - Personal Credits Information Line - Crawford Class Action Services (January 2014 to April 2016)



The large spike in calls was experienced in the fall of 2014, just prior to when Acknowledgement Forms were initially required to be submitted, namely by October 31, 2014. Increased call volumes continued, with spikes in March and June of 2015, dates that coincide with the revised Personal Credits timelines.

In addition to the above mentioned communication strategies, INAC organized extensive and intensive outreach activities through the Aboriginal liaisons.

3.3 Personal Credits – Application Process

This section outlines the challenges and mitigating or adaptive measures employed by INAC, in collaboration with other delivery parties, for each of the steps in the Personal Credits application process, and other major processes such as communications.

¹¹ A court order issued by the Supreme Court of British Columbia in January 2015 allowed for the extension of the Personal Credits administration plan and provided an additional \$170,000 to INAC in support of communications activities to raise awareness of the extension.

3.3.1 Step 1: Acknowledgement

Personal Credits administrative statistics maintained by Crawford Class Action Services indicate that over the administration period¹² and as part of Step 1 - Acknowledgement, close to 80,000 Common Experience Payment recipients were mailed Personal Credits information packages containing the Acknowledgement Form. Of these, close to 19 percent (14,704) of packages were returned not having reached an eligible Common Experience Payment recipient. Reasons for packages being returned varied. The lists used to contact possible Personal Credits recipients were produced using contact information taken from the administration of the Common Experience Payment. Some of the information on these lists was close to seven years old. As a result, information was outdated given that people may have moved, were deceased, etc.

Mitigating Strategy – INAC mitigated the issue of recipient contact by working with the Assembly of First Nations and Inuit representatives to obtain up-to-date contact information in order to resend Acknowledgement packages to some who had not successfully been reached using the available Common Experience Payment recipient lists.

Lesson Learned – The Settlement Agreement Branch within INAC felt that planning for the administration of Personal Credits could have better foreseen challenges associated with Common Experience Payment recipient lists given the time lapse between the administration of the Common Experience Payment and Personal Credits.

Given outreach, communications and the help-lines, just over 23,500 packages were resent to recipients, presumably individuals who: did not receive the initial mail-outs; who had misplaced or lost their forms; who initially did not wish to apply but then changed their minds (e.g., following the extension, following additional communications activities); who required information in another language, etc. These additional mail outs allowed the reach of the initiative to be expanded.

Of the close to 80,000 eligible recipients, over the life of the initiative approximately 39 percent (30,770) submitted Acknowledgement Forms. It is important to note that there was no obligation by Common Experience Payment recipients to confirm or decline their desire to participate in Personal Credits. Thus, limited information is available about why people may have decided to apply or not.

Lesson learned – The exclusion within the acknowledgement process of a request to return the Acknowledgement Form even if Personal Credits were not going to be applied for, left process administrators with a void of information as to whether documents had been received, the level of interest in Personal Credits, and/or comprehension of the process. This could have been addressed directly on the Acknowledgement Form by adding text allowing for recipients to indicate that they did not wish to apply for Personal Credits, including a selection of options for denial.

¹² The administrative period for Personal Credits extended from October 31, 2014, to August 31, 2015. However, Crawford Class Action Services administrative data was provided in a yearly and cumulative format to April 20, 2016, the date upon which the report was produced in support of the lessons learned study. As a result, data reported for the full administrative period is that from October 31, 2014, to April 20, 2016.

The length of the form, at some seven pages, in addition to its level of complexity were also felt by INAC staff to have been factors influencing response levels.

Of those who did indicate interest in applying for Personal Credits by returning the Acknowledgement Form to Crawford Class Action Services, 10.6 percent (3,240) had their forms denied.¹³ The most prevalent reasons for denial included the Acknowledgement Form being incomplete (80 percent of those denied) or the Acknowledgement Form being postmarked after the March 9, 2015, deadline (18 percent).¹⁴

Often the forms were deemed deficient and were returned because they were incomplete or had errors. Based on administrative data, the largest proportion of errors (between 27 percent and 64 percent¹⁵) occurred in Section D¹⁶ of the form. It was in this section where options were given to applicants as to how personal credits could be used (i.e., for personal use, for use by a family member, etc.). A review of Section D of the form suggests that instructions could have been made clearer and that terminology such as ‘Education Entity’ and ‘Group Education Services’ may have been confusing. Section B – Personal Representative’s Information, also proved challenging with between six and nine percent of these sections having errors or being incomplete. Instructions in this section may have been seen to be confusing as the form indicated, in bold, that “This section is only to be completed by a personal representative”, but later includes additional instruction that stated, in bold, “You MUST fill out both Section A and Section B.” Another six to nine percent had errors or were incomplete in multiple sections. INAC staff indicated that form content had been influenced by legal review and that there had generally been a lot of back and forth between INAC’s Legal Services Unit and the Settlement Agreement Branch on form content. Workshops with INAC staff held in support of this study also revealed that, as a result of time pressures imposed given court ordered timelines, there had been insufficient time to allow for pre-testing of the forms used in the Personal Credits process.

Incomplete forms and, therefore, their rejection lengthened Crawford Class Action Services’ processing timelines. While measures were taken to reach applicants to review deficiencies, including the forwarding of a deficiency letter, these nonetheless added days to the process. Additional pressures were placed on the Personal Credits process when recipients requested changes to the transferee and/or educational entity/group. This resulted in a second redemption form needing to be issued. Other issues included applications being received for non-eligible transferees and/or, non-eligible educational institutions or courses being proposed.

¹³ Crawford Class Action Services was responsible for reviewing Acknowledgement Forms for completeness and/or deficiencies.

¹⁴ No Acknowledgement Forms were rejected due to being received late under the initial process timelines given the lag experienced in getting acknowledgement forms out to recipients.

¹⁵ Error levels varied among Crawford Class Action Services reporting periods.

¹⁶ http://www.classactionservices.ca/irs/Personal_Credits/documents/EnglishAcknowledgementFormENG-website-01-15-2015_003.pdf

Lessons Learned – A few key lessons can be drawn from the processing of the acknowledgement forms:

- Processes involving complex forms using terminology based on legal documents tend to be more difficult to complete possibly resulting in errors or deficiencies.
- Forms should be reviewed and pilot tested by potential recipients. Testing should involve a sample of possible recipients chosen to reflect a range of ages, languages and other relevant characteristics.
- The production of deficiency letters, mailing them, addressing their content and then returning them can add weeks or more to a process. The use of telephone follow-up from the outset might support a larger number of applicants being able to use Personal Credits.

3.3.2 Step 2: Redemption

Once the Acknowledgement Form was successfully processed, a Redemption Form was mailed to the Common Experience Payment recipient. This confirmed that the recipient could use the Personal Credit. The Common Experience Payment recipient, or the transferee(s), had to submit the Redemption Form to the educational entity(ies) and/or group(s) that they had selected and which had been approved to provide the educational service. The educational entity(ies) and/or group(s) then had to complete the Personal Credits Redemption Form and submit it to Crawford Class Action Services, care of the Personal Credits Administrator.

As of the initial December 1, 2014, cut off date for receipt by Crawford Class Action Services of the Redemption Form, just under 24,000 Redemption Forms had been submitted (representing approximately 30 percent of the estimated 80,000 possible applicants).¹⁷ Of those, eight percent (1,902) were rejected. In the event that Redemption Forms were deemed to be missing information, the applicant was sent a deficiency letter and had 30 calendar days from the date of the letter to respond and address deficiencies.

Within Step 2 - Redemption, the primary cause of denials was due to redemption forms being received after the Court approved deadline. Additional challenges occurred due to a lack of compliance by Common Experience Payment recipients and/or educational entities with the Court approved terms and conditions. Issues also included providing the required proof of registration, required invoices, and submitting more than one change request.

As noted earlier, the fact that much process activity occurred around pre-set deadlines resulted in difficulty by Crawford Class Action Services to meet service standards. As a result, payments to educational institutions were delayed.

¹⁷ Data provided is reported for December 31, 2014, but is being used as a proxy for the cut off date of December 1, 2014.

Mitigating Strategies – To address Redemption Form deficiencies, a number of remedies were used:

- E-mail reminders were sent to Personal Credits applicants by Crawford Class Action Services, and telephone calls were placed directly to those same individuals to help clear redemption form deficiencies.
- INAC worked with Crawford Class Action Services to address the deficiencies in the educational entity/group and/or transferee change requests in order to increase uptake. Over 1,500 change requests were received. Finally, INAC also worked with the INAC Legal Services Unit to reduce estate documentation requirements.
- A sponsorship form was used to obtain missing information on the redemption form, ineligible expenses were deducted from the invoices and Crawford Class Action Services was directed to use existing program descriptions for group and education services if it was missing from one of the group redemption forms.

3.3.3 General Application Issues

Despite the rules outlined in the Personal Credits Administration Plan with respect to changes to how and who could use recipients' Personal Credits, Crawford Class Action Services continued to receive a significant number of change requests. This resulted in additional delays as to when the Personal Credits could be used as subsequent acknowledgment and/or redemption forms had to be created and sent to the Common Experience Payment recipient and/or educational entity(ies).

Lesson Learned – The level of changes requested validates that people will change their minds on how to use education credits regardless of whether or not clear instructions are built into the process. Similar initiatives should build in flexibilities in order to allow for this to occur without producing undue administrative burden.

In total, nine percent (5,142/54,544) of the forms submitted at the acknowledgment and redemption stages were denied because they were incomplete. Unanimously, interviewees stated that one of the major reasons why some forms were incomplete was due to the complexity of the two step Personal Credits process. Forms were incomplete due to: missing estate documentation; missing invoices; ineligible expenses; Common Experience Payment recipients not providing missing information or requesting to change the transferee and/or educational entity/group; or failing to return calls to Crawford Class Action Services.

Mitigating Strategies – INAC worked with Crawford Class Action Services to engage with educational entities and groups to clear deficiencies and often worked directly with educational groups to fill out acknowledgment and redemption forms.

3.4 Personal Credits – Administration Plan

Given the challenges encountered in the application process, including the ability to reach Common Experience Payment recipients or their family members, and the short time frame for recipients to proceed through the application process and complete educational activities (six months), the initial administration plan for Personal Credits was revised following the court order and expanded to 10 months in length.

Lessons Learned – The initial six month time frame for the administration and completion of educational activities was too short. Further, the ability to reach those eligible for Personal Credits may have been based too narrowly on Common Experience Payment recipient lists.

Mitigating Strategies – INAC worked with other parties and the courts to extend the timelines for Personal Credits in order to expand the reach and uptake of the initiative.

INAC released two additional notice plans and went back to the Court to seek approval to extend the deadlines related to Personal Credits in order to ensure a greater opportunity for Common Experience payment recipients and/or their family members to access them.

With the change in timing came increased costs. For instance, while the costs originally associated with the administration of Personal Credits were estimated at approximately \$23.6 million, INAC and the Assembly of First Nations received additional funds (approximate \$170,000 and \$176,000 respectively) to support communications outreach activities.¹⁸ Of note, INAC program staff indicated that the Department chose not to draw on the Designated Amount Fund to cover assumed expenses for the implementation of Personal Credits.

3.5 Personal Credits – Oversight of the Administration Process

3.5.1 Outreach, Communications and Collaboration

While various methods were undertaken to attempt to reach possible eligible recipients, there were a number of worthwhile practices employed as part of Personal Credits outreach and communications activities, as prescribed in notice plans and simply as identified as good measures to apply to the process.

Lesson Learned – The use of Aboriginal liaisons proved to be an effective way to reach out to possible applicants, as well as guide them through the application process.

¹⁸ The Inuit Representative organizations saw a reapportioning of funds within the three organizations but no funding change.

Aboriginal liaisons proved valuable in assisting community members with completing Personal Credits acknowledgment and redemption forms. INAC staff indicated that it had been valuable to have their support, and that liaisons and their organizations often had closer ties to communities than departmental staff. The liaisons also worked with communities on the development, coordination and delivery of group programs and services that could be put in place where there was interest and demand from Common Experience Payment recipients.

Good Practice – To support those working on the delivery of Personal Credits, including INAC staff, Crawford Class Action Services staff, and liaisons, training was provided on the Indian Residential Schools Settlement Agreement and Personal Credits. They also received sensitivity training to ensure that they understood the circumstances of Common Experience Payment recipients.

INAC worked to ensure collaboration with other parties, including the Assembly of First Nations and Inuit Representatives, in order to take advantage of their networks and knowledge as a means of increasing awareness of Personal Credits. INAC worked with these organizations and its Aboriginal liaisons to raise awareness of Personal Credits with Common Experience Payment recipients, and particularly, family members, who may not have known or understood how they might access Personal Credits, given the early targeting of the Personal Credits more specifically to Common Experience Payment recipients.

Good Practice – In the fall of 2014, INAC led a ‘Workout’ session involving Crawford Class Action Services and Aboriginal liaisons to ensure all partners had a common understanding of the Personal Credits process, including the Terms and Conditions and the outlined eligible activities. Other items touched on how best to assist group educational entities with developing programs and filling in redemption forms.

Additional outreach also occurred with educational institutions that had perhaps not been widely made aware of the initiative early on.

Good Practice – In support of a sound working relationship between INAC and Crawford Class Action Services, a working group was established. It met on a weekly basis to discuss and address issues. More specifically, it:

- developed guiding principles for Personal Credits acknowledgment and redemption forms;
- developed principles to be applied by Crawford Class Action Services to reduce the number of appeals being sent to the Advisory Committee;
- implemented processing efficiencies to streamline the acknowledgment process;
- implemented processing efficiencies to streamline the redemption process;
- implemented processing efficiencies for group educational services by bundling the applications together and processing them collectively as opposed to waiting for all redemption forms to be submitted;
- implemented longer help line wait times so that a caller could stay on the phone to speak with an agent;
- developed guidelines requiring that all calls be responded to within 48 hours to address Personal Credits Infoline complaints; and
- developed and implemented a plan to address the more than 1,500 Personal Credits change requests.

4. Conclusion

Personal Credits was an initiative meant to support fair, comprehensive and lasting resolution of the legacy of Indian Residential Schools, as well as to promote education and reconciliation. From the close to 80,000 Common Experience Payment recipients who were eligible to receive Personal Credits, just over one fifth (close to 21,700 individuals), benefited from the initiative.

A number of factors contributed to challenging INAC, and supporting parties, in the administration of Personal Credits and ensuring strong uptake. These included:

- A short timeframe (seven months) within which to develop Terms and Conditions with the Assembly of First Nations and Inuit Representatives and also plan for the administration of Personal Credits.
- An ambitious implementation period originally set at about 15 months in duration; a timeline that included the time needed by the recipient to identify and complete educational activities. It was not until June 2014 that the first redemption forms were received and processed for payment. Very few potential recipients even began the process until September and October 2014.
- The short implementation period with low uptake resulted in the need to extend the Personal Credits initiative. While the extension proved positive in terms of allowing more time to apply, it also resulted in increased administrative burden and increased costs.
- The nature of the initiative as one meant to support learning among a population with an average age, at the time of the launch of Personal Credits in 2014, of 60 years. People of this age are generally less likely to pursue educational activities, recognizing of course the potential to use the Personal Credits for educational activities related to culture, languages or history.
- The use of a mailing list for close to 80,000 people that contained information, some of which was outdated by up to seven years, resulting in close to one fifth of mailed Acknowledgement packages being returned to Crawford Class Action Services.
- The Personal Credits administration process that was generally viewed as complex, which included forms that were lengthy, difficult to understand and used language not necessarily easily understood by recipients.

INAC reacted and adjusted to these challenges, in collaboration with other parties involved in Personal Credits implementation. Key findings, lessons learned, mitigating strategies and good practices worth noting include:

- In the fall of 2014, in response to low uptake and other issues, INAC led a ‘Workout’ session involving Crawford Class Action Services and Aboriginal liaisons. This session was held to ensure all partners had a common understanding of the Personal Credits process, including the terms and conditions and the outlined eligible activities. Other items touched on how best to assist group educational entities with developing programs and filling in redemption forms.

- In response to slow and perceived low uptake levels, INAC, in partnership with other parties, successfully petitioned the court to extend the Personal Credits Administration Plan timelines. This was done in order to allow a higher number of Common Experience Payment recipients, or other family members, to access the educational credit.
- In response to approximately one fifth of Acknowledgement packages being returned following their initial mail out in January of 2014, INAC worked with the Assembly of First Nations and Inuit representatives to obtain up-to-date contact information. This was done in order to resend packages to those who had not successfully been reached using the available Common Experience Payment recipient lists.
- Given the complexity of the forms and administrative processes required by the Personal Credits process, the Recipient organizations (Assembly of First Nations and Inuit Representative organizations), as well as their Aboriginal liaisons, were engaged to play important roles in communicating Personal Credits to those who could potentially receive them.
- Sound working relationships were fostered between INAC and Crawford Class Action Services through the establishment of working group that met weekly. The working group played an important role in developing guiding principles for initiative implementation and designing process efficiencies that would streamline the process for applicants and educational institutions.

Appendix A – Documents Reviewed

Aboriginal Affairs and Northern Development Canada, *Statistics on the Implementation of the Indian Residential Schools Settlement Agreement*.

Aboriginal Affairs and Northern Development Canada, *Lessons Learned from the Common Experience Payment Initiative*.

Crawford Class Action Services. (2008). Audit Report #1 - *Indian Residential Schools Court Monitor Independent Audit of CEP Payments*. Service Canada and Aboriginal Affairs and Northern Development Canada.

Decision Note. *Amend the Common Experience Payment Delegation Instrument*. January 2014.

Indian Residential Schools Settlement Agreement: <https://www.aadnc-aandc.gc.ca/eng/1100100015576/1100100015577>

Memorandum of Understanding Regarding Personal Credits for Common Experience Payment Recipients between The Minister of Aboriginal Affairs and Northern Development and The Minister of Human Resources and Skills Development. (Undated)

Memorandum to the Minister of Employment and Social Development. Amendment to the Delegation of Authority for Indian Residential Schools – Common Experience Payment. April 12, 2014.

Service Level Agreement Regarding the Administration of Personal Credits for Common Experience Payment Recipients between Aboriginal Affairs and Northern Development Canada and Crawford Class Action Services Inc. February 26, 2014.

Truth and Reconciliation Commission Website:
<http://www.trc.ca/websites/trcinstitution/index.php?p=10>

Also reviewed were a series of court orders, including:

- Personal Credits – October 31, 2013
- Direction – Designated Amount Fund – February 6, 2014
- Order – Continued receipt and processing of Personal Credits – November 17, 2014
- Extension to Personal Credits deadlines – January 7, 2015
- Order – Residual Payments – June 4, 2015
- Order – Wind-up of the Designated Amount Fund – July 29, 2015
- Supplemental Order – Wind up of the Designated Amount Fund – July 29, 2015