Creating Collaborative Alliances for Change

A Dynamic Resource for the Justice Community

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USING THIS RESOURCE

Aim of the Resource

The need for stakeholders to work collaboratively to effectively change justice and other systems is established internationally. *Creating Collaborative Alliances for Change: A Dynamic Resource for the Justice Community* has evolved in response to justice community partners who identified a need for a resource addressing the question, "How do we get a better understanding of building and maintaining successful collaborations?"

Developed as part of the *Civil Justice System and the Public* (CJSP) project, full details on the background and methodology for this *Resource* are provided in Appendix B. Sources are referenced and annotated in Appendix A.

The aim is to provide a step-by-step working guide that distills available theoretical knowledge and practice experience into a usable format. Collaboration is a complex process and there is much to consider. Consequently, taken as a whole, this *Resource* is lengthy. It is, however, designed to be electronic and searchable in multiple ways, allowing use in whole or in part according to need.

How the Resource works

Creating Collaborative Alliances for Change is organized around 16 key components essential to successful alliances. Each key component is presented as a question that should be asked and answered when beginning, reviewing, and evaluating any collaborative alliance. The questions are paired with answers in the form of action goals and linked to detailed discussion on issues involved in achieving that goal.

Collaborative alliances are dynamic knowledge sharing processes that vary in size, purpose and duration. This *Resource* is designed in recognition of this. The electronic version contains many internal links that allow exploration in different orders and depths of detail at any stage in the collaborative process. The issue and the degree of information needed can be selected without having to read or print the entire document. It can be navigated and consulted in the following ways:

1. Using the 16 Key Components as a basic checklist of questions to be asked and answered when forming or assessing a collaboration.

2. By clicking on any one of the 16 key components to look in more depth at challenges and solutions associated with this aspect of collaborating.

3. By clicking on the internal links within each component of discussion as these relate to additional information that is relevant to your needs.

4. By using the Table of Contents to select the key components or related elements that are of current relevance to you.

5. By using the PDF document search function, which will index every repetition of a particular word or phrase of interest.

This *Resource* is intended to be dynamic. It will be periodically reviewed and revised as we share our collective experience and understanding of effective practices for justice community collaborations. Readers are encouraged to submit comments and examples on an ongoing basis to:

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16 Key Components
in
Creating and Maintaining Successful Collaborations[1]

1. *What do we mean by 'collaboration?'* – Create a shared understanding.

2. *Why should we collaborate?* - Identify and maximize the benefits.

3. *What is this collaboration about?* - Identify the purpose and decide the process.

4. *How do we begin?* - Build the foundation with good communication practice.

5. *What is collaborative leadership?* - Agree responsibilities; build leadership skills.

6. *What do we want to accomplish?* – Set clear goals, objectives and action plans.

7. *Who are the collaborators?* – Identify and include all relevant stakeholders.

8. *What are the risks?* – Recognize, reduce and manage costs of collaborating.

9. *How much time do we need?* – Create a realistic project scope and timelines.

10. *What about resources?* - Establish the material essentials for success.

11. *Is this collaboration egalitarian?* - Negotiate the dynamics of unequal power.

12. *How do we deal with conflict?* - Acknowledge and resolve points of tension.

13. *Is this collaboration working?* - Create an assessment and evaluation plan.

14. *What if something doesn't work?* - Be flexible and open to reconsideration.

15. *Is that what we agreed?* - Create a statement of collaborative understanding.

16. *So what have we achieved?* – Celebrate each successful collaborative step.

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[1] At a glance, these 16 components may seem to be common sense. But anyone who has experienced collaboration knows how challenging each can be in practice. The process is not linear. Many elements overlap and some must be re-visited periodically to ensure the alliance is on track. Users should consult the Resource components in whatever order is most appropriate to their needs.

1. What Do We Mean By *"Collaboration?"*
Create a shared understanding

> *I think you sometimes tend to jump into collaboration and say, "OK, we're all here. We all want to collaborate!" But then you get caught up later because you haven't had the front-end conversation to make sure that expectations are clear and that there is understanding of the parameters of what people can do and what they can't do.*
> [*Participant, Collaborative Structures Workshops, 2007*]

The basic dictionary definition of 'collaboration' is very simple. It states:

To work with another or others on a joint project.[2]

This simplicity may tempt us to believe that we know what collaboration is when we see it. The evidence from practice is that we seldom do. Working together can take many forms; therefore, collaboration does not always look the same.

A crucial step when forming a collaborative is for members to discuss and mutually agree on what working together in this alliance means philosophically, and how that will be achieved in practice. Important to this is to also have a clear and shared understanding of what the collaboration is about and what we want to accomplish.

Recognizing that there are many differing perceptions of what collaboration is or should be is important to this front-end conversation. When terms are not clearly defined but used interchangeably misunderstanding can occur. Significant problems may result when the alliance includes stakeholders from different sectors.

One important example of this is the term 'partner,' which in legal and business worlds carries specific legal meaning. Although we may not consciously think about it when we use 'partner' in an informal way, the root of the term also has imbedded assumptions of equal legal, financial and social power that are seldom present in broad stakeholder alliances. For these reasons it is recommended that 'partnership' not be used to describe a broad working alliance that is not a legal entity.[3]

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[2] Collins English Dictionary (2000), which also describes the Latin root to mean "to do together."
[3] The Treasury Board of Canada (1995) specifically requests that 'collaboration' be used and not 'partnership.' However, informal use of the terms 'partners' and 'partnerships' remains widespread. We note that funders such as the Social Sciences and Humanities Research Council of Canada (SSHRC) make hierarchical distinctions between 'partners' and other 'collaborators.' We suggest that it is good collaborative practice to avoid informal use of the terms 'partner' and 'partnership'.

Experience suggests that transparent communication it more important to stakeholder satisfaction and successful outcomes than the specific form the collaboration takes. Critical is:

    ✓ A shared and clearly defined understanding of what "collaboration" means to this group and how that will be achieved in practice.

    ✓ A transparent and agreed understanding of how the group will work together.

    ✓ Informing and including *all* stakeholders in ways that *they* identify as acceptable and sufficient.

Some possible types of collaboration

Understanding, clarity and transparency concerning the form of collaboration are important to success. To assist groups in understanding what philosophical and practical commitments can be expected from members, some authors attempt to define different kinds or 'levels' of collaboration.[4] The following possibilities offer a tool for reflection. Some alliances may fit more than one of the basic types described and it is emphasized that each collaborative should agree on a definition that works for their purpose and composition:

- Formal partnership
- Strategic alliance
- Full participation
- Consultation
- Network formation
- Collaborative action

- **Formal partnership**

> *A contractual relationship between two or more persons carrying on a joint business venture with a view to profit, each incurring liability for loses and the right to share in profits.*
> [Collins English Dictionary, 1990]

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[4] Discussion and definition in this section is distilled from the following sources: Bradwell & Marr (2008); Canadian Forum on Civil Justice (2002); Himmelman (2002); Kiefl (1999); Koyne & Kowalski (1999); Parkinson (2006); Todeva & Knoke (2005).

The above definition illustrates the point made earlier that the term 'partner' is best applied only to formal relationships. Some collaborations include formal partners at various stages but unless the alliance is very small it is unlikely that all involved would want or need to form a contractual relationship. Formal partnerships will usually only be needed when financial or other resources are involved. [5]

- **Strategic alliance**

> *A strategic alliance involves at least two partners who remain legally independent but share managerial control over the performance of assigned tasks concerned with the mutually perceived future benefits resulting from their collective activity.*
>
> [Todeva & Knoke, 2005[6]]

The notion of a strategic alliance comes from a business perspective. An alliance forms around an emerging joint purpose. Independent organizations agree to work together for a shared goal over a limited period of time. The arrangement provides flexibility that allows complex organizations to work together for mutual benefit.

The formation of strategic alliances will be an essential component if the justice community is to develop a culture of collaboration among government, for profit and non-profit organizations. Collaborations aimed at achieving significant improvement in access to justice must take into account political, economic, organizational and strategic factors.[7] Some possibilities are:

- ✓ Two or more government ministries working together to meet a common service goal such as taking a community-based approach to crime reduction that addresses root causes by providing better information and access to relevant services and supports and rehabilitation options as well as effective deterrents.

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[5] The *Civil Justice System and the Public* included a number of organizations that formally signed as partners to the SSHRC funding application. These partnership agreements were significant factors in ensuring institutional involvement at the top level, but represented only a fraction of the people and organizations that collaborated throughout the project. The SSHRC agreement did not necessitate, but did accommodate, financial obligations for some partners. In both Alberta mapping projects the CFCJ, Alberta Justice and the Alberta Law Foundation are formal legal partners with financial commitments and responsibilities, and representatives of the partner organizations have also taken active roles among the project collaborators.

[6] This definition is a paraphrase of the discussion offered by Todeva and Knoke (2005, pp.124-127). These authors are critically engaging current perceptions about strategic alliances and the article is valuable for understanding alliances between any large organizations.

[7] Todeva and Knoke (2005) provide a detailed discussion of the extension of strategic alliance from business to public service noting that as yet, there is a lack of systematic research about government involvement in strategic alliances.

✓ One or more government ministries forming an alliance with legal aid to mutually establish a new access to justice service.

✓ A government ministry allaying with a law foundation to ensure independent oversight of grant funds aimed at supporting access to justice initiatives.

Even if the alliance is limited to just a few key stakeholders, it is desirable that working together is encouraged over insular operation and decision-making. Strategic alliances may be generated by the advancement of a community-generated project and can agree to operate with fully collaborative principles. When an alliance is formed and controlled only by powerful stakeholders there are, however, dangers to guard against. Large organizations tend to:[8]

✓ *Rely on upper and middle management perspectives* assuming these key people have a full understanding of both organizational policy and front-line service delivery. The importance of including their own front-line staff is often not recognized, and if it is, the necessity to create non-threatening participation options is not understood.

✓ *Believe all viewpoints and interests are built into internal representation*, or that any gaps in information can be filled by brief consultation. In practice, this is almost never the case.

Confronting these organizational tendencies is important to ensuring that alliance decisions are grounded in a full understanding of the service community context. Neglecting to do so can endanger the ultimate success of a venture that ultimately must both meet the actual needs of the user and engage the cooperation of the front-line service providers.

- **Full participation**

> *All members are equal and none has a superior-subordinate relationship with another.*
>
> [Robert Chisholm, 1998]

The theoretical philosophy of participatory action research (PAR) underlies the concept of full participatory collaboration. PAR is typically employed to involve community members as equal participants in conducting research that is intended to bring about

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[8] The CJSP research demonstrates these points in terms of Canadian justice systems. They are also broadly documented in social science literature on organizations. See also in Key Component # 7 "Do we know and understand who we are?" .

change.[9] In theory, all members participate fully and equally in every aspect of the project and this is achieved by a teaching-learning exchange of members' skills.

In practice, it is often unrealistic, and not the desire of collaborators, to be involved fully in every aspect of the initiative. For the hierarchically organized justice community, the ideal is not a viable goal when a broad stakeholder representation is desired.

The PAR ideal is seldom, if ever, completely attained, but a full participation approach may occasionally be feasible. For example, a small group including experts, service users and service providers might be equally involved in the co-design of a specific PLEI initiative. Even so, participants will come together with equally important, but differing skills to share and it will be essential to plan at the outset, and review often, how equal participation is to be achieved.

- **Consultation**

> *Seeking information, advice, permission or approval for a proposed action.*
> [Illustrated Oxford Dictionary, 1998]

Consultation is at the opposite end of the collaborative spectrum from full participation. As the above definition suggests, consultation tends to be perceived as a process that is done to, and/or takes from others, who are not otherwise involved in the initiative. It is not usually experienced as a collaborative process.

A collaborative initiative can include consultation, but it is important not to create false expectations among participants. Clarity concerning the intended role of the consultation is critical. Failure to be clear and straightforward may result in negative perceptions on the part of stakeholders concerning the entire project.

> *People are quick to recognize an empty promise of greater power, where consultation bears no reflection on final decisions and where bottom-up deliberation continues to be trumped by top-down directives.*
> [Parker and N, Gallagher, p.36]

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[9] There is a vast body of academic literature discussing PAR and other approaches to action research.

Essentials for consultation

- ✓ Crystal clear communication concerning the purpose, what the consultation will accomplish, the benefits to the participants.

- ✓ The inclusion of all stakeholders who will be impacted by the intended initiative.

- ✓ A process that fully records and equally values all perspectives and forms of knowledge.

- ✓ Expert facilitation throughout the design, conduct, and analysis of the consultation.

- ✓ A setting that demonstrates appreciation of the participants' time (convenient location and time, comfortable seating, refreshments, warm welcome and introductions).

- ✓ A commitment to and mechanism for providing participants with feedback on the consultation findings and the subsequent progress of the project.

- **Network Formation**

> *Organizations with similar missions … exchange ideas and information regarding issues they address.*
> [Carolyn Parkinson, 2006, p.4]
>
> *Exchanging information, altering activities, sharing resources, and enhancing the capacity of another for mutual benefit and to achieve a common purpose.*
> [Himmelman, 2002, p. 3]

Formal and informal networking is intrinsic to any collaborative alliance no matter what the specific purpose. Nurturing and supporting networking activities are an important part of any collaboration.

Some sources suggest, however, that network formation is relatively informal, requires little structure, few resources, and entails low risk to participant organizations, which retain full autonomy.[10] The first quote above represents this conceptualization.

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[10] Koyne & Kowalski (1999); Parkinson (2006); Himmelman (2002).

The second quote better represents our perspective.[11] Our experience is that that substantial foundation building, organizing, maintenance, and dissemination work is required, even for small networking projects. Unfortunately the resources required to support this work are often overlooked.

Establishing an information exchange network may be the specific purpose of a project. Even when the goal goes no further than this, someone must take the lead to get the network started and someone must perform convening and maintenance work. These tasks require resources.

Interestingly, government and business analyses of collaborations conclude that the networking aspect of projects may have the most long-term value. Even a project that fails to meet other objectives can have significant value resulting from exchanges of knowledge, lessons learned, and cooperative relations established.[12] Nurturing and supporting networking activities should therefore be recognized as an important part of any collaboration.

> *I think that these kinds of gatherings of people can create great opportunities for learning and understanding how the system is working and not working from the perspectives of many people.*
> [Participant, Collaborative Structures Workshops, 2007]

Among the Canadian justice community, collaborative network formation has been recognized as an essential component of promoting a justice system that is accessible, effective, fair and efficient.[13] Specific networking projects have been many and varied in scope from simple to elaborate. All have formalized goals that require cooperation among diverse stakeholders. Following are just a few examples to illustrate how varied networking alliances are.

Examples

The Judicial Communications Network (JUDICOM), developed by the Office of the Commissioner for Federal Judicial Affairs (FJA) for the Canadian federal judicial community, is designed to facilitate and enhance communication, collaboration and knowledge sharing by connecting all members within a trusted online environment. Members attest to JUDICOM's value as a social network. It enables them to gain

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[11] This definition is Himmelman's description of 'collaborating.' He defines 'networking' as merely "exchanging information for mutual benefit." (p.2). Authors evaluating the value of collaborations (see footnote #14) point to the networking value, but authors theorizing about how to collaborate do not sufficiently address what is involved.

[12] Bradford (2003); Kiefl (1999); Todeva & Knoke (2005).

[13] The Canadian Forum on Civil Justice (CFCJ) was created as an independent national organization with the mandate to facilitate collaborative networks. See http://cfcj-fcjc.org/about/ for specific objectives.

timely, expert legal opinion in all areas of law, which would otherwise be impossible across vast distances and variable hours. This is of especial value in smaller centres, remote areas and to judiciary on circuit. The FJA collaborates with other organizations to keep site content up to date and take full advantage of developing technology. Originally only software based, superior encryption techniques now support web-based operation that remains fully confidential but facilitates real-time communication.

Inventory of Reforms. An on-line information sharing resource of national civil justice reforms proposed at the 2006 *Into the Future* Conference where participants provided feedback about this resource. Funding to begin developing the records were made available as part of a collaboration between the CFCJ and the Canadian Judicial Council Sub-committee on Access to Justice (Trial Courts) of the Administration of Justice Committee. The Inventory is now being expanded with financial support from the Canadian Bar Law for the Future Fund and the active participation of the National Action Committee on Access to Justice.

Alberta Justice Policy Advisory Committee (JPAC). A government initiated, joint ministry, multi-committee, complex structure established for the purposes of facilitating collaboration on policy affecting the Alberta justice system. Members communicate via electronic networks and meet in person on a regular basis to provide: advice and recommendations on issues affecting the Alberta justice system; a forum for information sharing among stakeholders in the justice system; and a forum for consultation and collaboration on the development of policy in the justice system.[14]

- **Collaborative action**

A collaborative action approach retains the full participation principle of sharing equally valuable forms of knowledge and resources, but places these into a more flexible framework for working together cooperatively.[15]

Collaborative action may incorporate any or all of the previously described types of collaboration providing all components are carefully defined and have an agreed upon equitable process for achieving a goal of mutual benefit.

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[14] Description taken from the JPAC Terms of Reference, approved by the Ministers, December 18, 2008.
[15] Bradwell & Marr (2008) report on co-design as a form of collaboration, providing a detailed definition of what this means in practice (p.17).

> *Working together in a cooperative, equitable and dynamic relationship, in which knowledge and resources are shared in order to attain goals and take action that is educational, meaningful, and beneficial to all. It is understood by this definition that: research and action are conducted with, and not on the community; and all collaborators have different, but equally important knowledge, and resources, both to share with, and gain from each other.*
>
> [Canadian Forum on Civil Justice[16]]

Collaborative action requires:

- ✓ A basic shared goal – such as access to justice – around which all stakeholders can find common ground from which to work together to achieve agreed beneficial change.

- ✓ A commitment to ask and answer the key questions involved in creating and maintaining successful collaborative alliances.

- ✓ An understanding that change is difficult; it takes time, and needs planning to implement.

- ✓ A willingness to be flexible, reflective, and to take on the challenges of change.

- ✓ A negotiated understanding of and respect for the different perspectives, organizational structures, cultures, mandates, resources, abilities and needs of all stakeholders.

- ✓ A commitment to address power imbalances and create safe, equitable, and appropriate ways for all stakeholders to participate according to their ability to do so.

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[16] This definition was developed early in the *Civil Justice System and the Public* project after considering many other definitions of collaboration, participation and partnership. The definition has since been adopted by the CFCJ as a principle of our work. It has also been adopted by several other stakeholders as a useful definition of collaboration.

2. Why Should We Collaborate?
Identify and maximize the benefits

Common sense, the evidence, perhaps even our genetic code tell us that collaboration makes sense. The big, complex social problems that governments want to address – from crime and security to poverty and health – simply cannot be tackled within the fragmented public sector delivery systems that have resulted from over a century of bureaucracy and decades of competitive reform.

[Parker & Gallagher, 2007, pp.13-14]

Imbedded in the question "Why should we collaborate?" are at least four sub-questions that need to be separately addressed:

- Should we collaborate?
- What benefits do we gain from collaborating?
- Are there costs or dangers to us from collaborating?
- Do the benefits outweigh the costs?

Should we collaborate?

Internationally and domestically, across business, government, service and social change sectors, the answer to this question is an increasingly resounding "Yes!"

There are some values, starting with the high level values … the Rule of Law and being fortunate enough to be in a country like ours where we can have these conversations. And also operational values around serving clients and delivering a product… .Common values … that will inspire people from the Chief Justice of the Supreme Court of Canada all the way through to the user about how we can have a user-focused justice system. We need to be able to pull together common themes and that way we'll have a vision that includes everybody and people can feel part of a system that really works for that.

[Participant, *Collaborative Structures Workshops, 2007*]

Despite the uncertainty of what exactly collaboration looks like, the tensions that inevitably arise in the process, the amount of time it takes, and the risk of trying something new and different, there is emergent global recognition that cooperation is the only way we can solve the "wicked problems" that have developed from an entrenched "culture of non-recognition and neglect."[17]

But, should we *always* collaborate? Or can some things be achieved more easily by a single person, or a few 'experts'?

This is a question that is worthy of on-going reflection. There may be tasks within a program or project most effectively completed by an individual, a specialized group or a particular organization. However, our basic definition of collaboration is simply "working together" and we suggest that little can be achieved by an individual working in isolation, or by an elite group working as a silo.

When the goal is to ensure access to a justice system that is fair and efficient, we would argue that collaboration is always necessary within and among stakeholder groups and organizations. From this perspective the question is not *if* we should collaborate, but *how* we should do so. The answer will depend on what the specific collaboration is about, what exactly we want to accomplish, and what resources we have to work with.

> *When you're talking about access to justice, there's such obvious problems that can't be denied that if you present a potential solution, it's difficult for people to reject that solution… and they're happy to get involved. It's a win-win situation …. [but] it's difficult when you run into logistical issues. I think the theory is easy to sell, it's the practice that's difficult.*
>
> [Participant, Collaborative Structures Workshops, 2007]

What benefits do we gain from collaborating?

Even when we think that collaboration is valuable, we still need to convince ourselves and others about the specific benefits of a particular venture. Specific concrete advantages must be identified in the context of each project. However, some important general benefits flow from collaborating:

✓ When diverse stakeholders come together useful information is generated and exchanged.

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[17] Bradford (2003, pp. 5-6) provides a Canadian policy perspective. See Bradwell & Marr (2008) for a multi-sectoral, international review of the commitment to working collaboratively

- ✓ Stakeholders are effectively engaged by a process that builds a sense of ownership in the project.

- ✓ Pooling of resources (material, information, ideas and skills) increases power to take action.

- ✓ Coordination of existing services and resources is maximized, while overlap is limited or eliminated.

- ✓ The diversity of viewpoints generates an outcome that better meets the needs of both frontline providers and service users. This significantly reduces unforeseen implementation problems.

- ✓ Better ongoing relationships develop, providing the foundation for future ventures.

Are there costs or dangers to us from collaborating?

There are risks involved in collaboration and it is important to identify and address these in the context of each project.

Costs and dangers may be personal, organizational, material or psychological, actual or perceived. Key Component #8 provides details on risks and how to confront and manage them with empathy.

Do the benefits outweigh the costs?

Collaborations concerned with change for social good, such as improving access to justice, often feel pressure to their process as well as the intended outcomes in hard financial terms. Business analyses, however, indicate that the value of collaborative process cannot be measured by transaction cost calculations. It has to be recognised as an investment in intangible assets for future shared beneficial outcomes. It is important for all projects to have an evaluation plan in place that recognizes the benefits of both concrete and less tangible outcomes.

Business analyses also conclude that the degree of project engagement and cooperation is more influenced by the relationship histories and current joint resource capabilities of potential collaborators than by actual economic costs and benefits. It is important, therefore, that risk is not denied or brushed aside. Rather, successful collaboration is considered worth the work it takes to confront any associated material costs and intangible risk and ensure that benefits outweigh these.[18]

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[18] Todeva & Knoke (2005, pp.127-132).

> *Collaboration has been slow to take hold in large part because it is easy in theory, but fiendishly difficult in practice. … The costs of working with others [can] outweigh the benefits. The moral and practical goals of collaboration are too often undermined by failings that range from over-ambition and a weak sense of purpose to the difficulty of integrating the legacy of old functional and professional structures.*
>
> [Parker & Gallagher, 2007, p.16)
>
> *I think it's a question of balancing these values in a way that's practical. We should expect these tensions and these turf issues and these ego issues to flair up during development …. We know it is going to be difficult and that actually, the difficult times … are very good preparation for the next round and the next step.*
>
> [Participant, Collaborative Structures Workshops, 2007]

Experience tells us that we must do the following if we want the benefits of collaboration to prevail:

- ✓ Think about the benefits of collaboration in terms of future investments and intangible compensations as well as immediate material costs and profits.

- ✓ Recognize, confront and manage potential costs.

- ✓ Acknowledge points of conflict and unequal power, working together to resolve these tensions.

3. *What is This Collaboration About?*
Clearly identify the process and the purpose

> *Between the idea and the reality …*
> *Between the conception and the creation …*
> *Falls the shadow*
>
> T.S. Elliot (1925)

Conveying an idea – a vision of what should or could be – so that it creates a clear and realistic project proposal, is challenging. Innovative ideas tend to break new ground, so they come without a road map to success or a set of proven implementation methods. This makes it even more important to convincingly communicate the idea in a variety of ways.

When the project is to be collaborative, the vision has be communicated before the exact details are collectively agreed upon. For this reason, this key component focuses on that initial stage of putting across the general purpose of the collaboration. Key Component #6 deals with deciding the specific details of a project once the collaborative has been established.

The purpose of the proposed collaboration must resonate with a significant number of relevant stakeholders. This means there must already be a perception of need associated with the goals of the initiative. Ideally, this perception will be based on at least some pre-existing evidence.[19]
Launching the project idea will usually require the following:[20]

✓ **A proposal**. A proposal may be drafted prior to inviting broad stakeholder participation and refined collectively once the alliance is formed.[21] The aim is

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[19] Sometimes a need is identified based on shared experiences rather than systematic evidence. Even when evidence exists, it may not be locally relevant. Conducting research to assess need may be the sole purpose of the collaboration or it may be an initial component of an extended project. The CJSP was a large-scale research project; the BC Supreme Court Self-Help Information Centre began with a collaborative needs assessment (mapping); the *Alberta Self-Represented Litigants Project* was intended to provide relevant information and research evidence to support establishing Law Information Centres; the *Alberta Legal Services Mapping Project* is an extensive mapping project to identify legal services and service gaps across Alberta. Each project began and developed in different ways with varying amounts of pre-existing evidence. *Reaching out with Research* talks about the general principles of collaboration and describes how these projects intersected and interacted.

[20] The proposal and brief overview of the ALSMP are available at http://cfcj-fcjc.org/research/mapping-en.php. Other examples of brief overviews and letters to stakeholders are provided in Appendix C.

usually to gain funding for the project, so the proposal content will be tailored to for that purpose and vary in length and form according to project size and complexity and/or requirements of potential funders.

✓ **A brief abstract or summary**. A summary should fit on one sheet of paper – preferably just on one side. If both sides are used, key details need to be on the front.

✓ **Verbal communication**. The ability to talk confidently about the project is very important. Anyone who is to speak about the initiative should be very familiar with the vision and purpose, proposed collaborative process, and outcome goals.

✓ **A list of relevant stakeholders**. This list should include *all* stakeholders who might have an interest in the outcomes and it should extend to senior organizational representatives, front-line service providers and service users.

✓ **A personalized letter to stakeholders**. A letter describing the project and inviting stakeholders to participate should be sent (by e-mail or post) and followed up with a telephone call.

✓ **Initial meetings**. Initial meetings may take place with key individuals before a first collective meeting is held. Initial meetings review the proposed initiative, discuss the collaborative process, answer stakeholder questions, gather stakeholder input and set a time and agenda for further meetings to develop the project.

Initial communication about a proposed collaboration should include:[22]

✓ **A vision statement** that succinctly conveys the main idea in a context relevant to stakeholders (such as access to justice).

✓ **Who the initiators are** (names, roles, affiliations).

✓ **How the project will be resourced** (this can include seed funding obtained or applied for; in-kind commitments of staff or space; or fundraising can be one of the stated collaborative goals).

✓ **Specific mutual benefits** (goals, expected outcomes) of the project.

✓ **Time lines** that are anticipated for the project.

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[21] The development of the initial vision may involve multiple people – perhaps a small informal collaboration to develop a proposal, as was the case with both the CJSP and ALSMP projects. For more discussion on this see: What is collaborative leadership? and Who are the collaborators?.
[22] Appendix C contains examples of letters and brief overviews.

- ✓ **A statement about <u>collaboration</u>** (a broad working understanding to be fully discussed once the collaboration is formed).

- ✓ **An invitation to participate** (including indication of the <u>broad stakeholder group</u> invited; names of committed stakeholders; expected time commitment and a deadline to respond).

- ✓ **Contact details** for further information (one or more individuals are named and multiple options for making contact and gaining information are provided).

4. *How Do We Begin?*
Build the foundation with good communication practice

Collaboration begins with an idea, but working together starts with communication designed to turn ideas into fertile endeavours. Collaborative literature underscores the importance of good communication practices throughout the process. Key Component #4 focuses on beginning to collaborative communication; however the principles presented remain relevant throughout and subsequent sections refer back to them many times.

> *Open, honest, direct and positive communication is critical to success.*
> [Collaboration Roundtable Toolkit, 2001, p.80][23]

Collaboratives inevitably face communication challenges. This must be expected in a process intended to tackle society's most difficult issues by bridging social, organizational and cultural differences within a traditional climate of competitiveness, funding constraints and political shifts.[24]

Collaborative process among Canadian justice system stakeholders occurs within an especially challenging communication context. Most legal process is adversarial and the organization of Canadian justice systems is fragmented, compartmentalized and hierarchical. The justice community is made up of very diverse stakeholders who can have oppositional mandates and may also have to compete for funding. If we are going to convince these stakeholders to even begin discussing working together to achieve a shared goal, then our initial communication will have to be good!

When two or more stakeholders come together to consider collaboration, the first foundation stone is laid. This is an achievement and we should celebrate our initial collaborative success.

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[23] The Collaboration Roundtable Toolkit (2001) includes tools with tips for developing internal and external communication plans, pp.80-96.

[24] Key Components #7-#12 deal with various kinds of challenges and how these can be managed. Bradford (2003), Council of Chief State School Officers (2004) and Parker & Gallagher (2007) make especially strong statements about the degree of challenge most collaborations undertake.

Communicating the collaborative idea

There is an unavoidable tension in beginning communication about a collaborative initiative. The collaborative model is that members share their knowledge and perspectives in order to jointly identify and decide the details of the project. But, this process cannot begin until the potential participants are convinced that there is an important idea around which to join forces. Initial communication must negotiate a delicate balance between clearly communicating both the worth of the idea and the value of the stakeholders' engagement in the collaborative process. An initiator must therefore clearly and convincingly communicate both the purpose and process of the proposal while only in possession of some of the information.

To successfully achieve this challenging task, the initiator should be prepared to offer at least preliminary answers to all 16 of the Key Components for creating a successful collaboration – if only to suggest that the collaborators will work out the details together.

> Initial communications *must* have clear statements about:[25]

  > ✓ The purpose of the collaboration

  > ✓ The main goals and outcomes to be accomplished

  > ✓ The benefits to the stakeholders

Tips for creating good collaborative communication

> **Communication should be friendly, frequent and open**, demonstrating that:

  > ✓ We all have an opportunity to introduce ourselves and our interests.
  > ✓ We are committed to hearing and valuing differing perspectives and mandates.
  > ✓ We value, appreciate and encourage dialogue, especially concerning different points of view.
  > ✓ We have agreed on a process for resolving conflict.
  > ✓ We have agreed which modes of communication are appropriate and effective for this collaborative.
  > ✓ We have decided the frequency and schedule for updates and meetings.
  > ✓ We have agreed how meetings will be chaired.
  > ✓ We have agreed on who will have responsibility for setting Agendas, taking and distributing Minutes and other information, and arranging meeting locations.

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[25] Initial communications are discussed in detail in Key Component #3.

➢ **Communication is clear, understandable and as concise as possible**:

- ✓ Plain language is used and technical jargon is avoided or explained.
- ✓ Time is taken to identify key points, decisions and actions.
- ✓ Questions are always welcomed and clarification provided.

➢ **Communication is constructive, respectful and culturally sensitive**:

- ✓ We have an explicit agreement to constructive discussion.
- ✓ We have asked all our collaborative members to share the customs and distinctions of their ethnic, traditional and organizational cultures.
- ✓ We have an appropriate agreement about the confidentiality of our collaborative discussions.[26]

➢ **Communication involves listening, reading, speaking and writing**:

- ✓ We have made a commitment to review circulated materials, be prepared for meetings and provide input by agreed deadlines.
- ✓ We ensure each other an opportunity to speak and be heard, providing encouragement and support to participate.

Agreeing on a communication plan

Good communication is essential throughout the collaborative process and is important to all 16 Key Components of successful alliances discussed in this *Resource*. As well as a commitment to practice good communication, responsibility and guidelines for communications with members, non-members, and the media should be decided. A statement concerning communication expectations and roles should be included in the collaborative agreement.

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[26] See the suggested confidentiality statement in the discussion on reducing risks.

5. *What is Collaborative Leadership?*
Agree on responsibilities; build leadership skills

I think that's the real challenge – how can you be inclusive and yet manage expectations at the same time? Somebody has to take the lead.
[Participant, Creating Collaborative Structures Workshops]

Somebody needs to have the role, but I think there is a danger too of whoever has the role thinking that they are the lead and then interpreting that as meaning they set the agenda and interpret the results.
[Participant, Creating Collaborative Structures Workshops, 2007]

Leaders possess "community intelligence"… to recognize those critical issues and pivotal moments when sufficient progress can be made …. and reframe problems so that formerly disparate interests find sufficient common ground to collaborate …. Visions are grounded in existing local conditions … credible to a host of stakeholders.[27]
[Bradford, 2003, p. 66]

Strong and skilled leadership is important to successful collaboration. Taking a lead role in a collaborative is however, complicated. The underlying philosophy is that the contributions of all participants are of equal value. This stands in tension with one person (or group) assuming control. On the other hand, a diverse collaboration with no-one to steer the direction is unlikely to achieve very much.

Too much focus on an individual leader can be problematic but there is also a tendency for collaborations, especially large partnerships with senior people, to be 'underled'. Shared leadership needs a clear commitment to the leader roles including devotion of the time these require.[28]

This is new territory and we need to ask what forms collaborative leadership should take. Yet, in our experience, open and explicit discussions of directing roles and parameters are rare at the outset of a collaboration.

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[27] Bradford was reporting on the qualities of leadership identified in every example of successful collaborations he reviewed. The tense in this quote has been changed to the active for readability.
[28] Susan Goss in Parker & Gallagher (2007, pp.44-45).

There are six key understandings that will facilitate leading a successful collaboration:

➢ Collaboration is by definition a **journey of discovery** requiring new ways of thinking and doing.

➢ A collaborative venture is a process with **multiple aspects** and stages.

➢ Leadership must be a **dynamic** (not a top-down) process as various facets of the project may require differing skills and qualities. The same leader and/or type of leadership may not be appropriate throughout the project

➢ The larger and longer the collaboration, the more likely it is to require **more than one leader**. This should be planned for.

➢ Each initiative needs to have an **explicit discussion** about leadership roles leading to a flexible, reviewable plan that assigns directing responsibilities.

➢ Leadership roles should fall to those with appropriate skills for the specific directing task. Whenever possible, completion of tasks should include a teaching-learning dynamic that develops new leaders. Part of this dynamic is the valuing of each leadership role as an equally important contribution to the project. Leadership hierarchies should not be allowed to develop.

Stages of collaborative leadership

- Embryonic context
- Visionary initiation
- Convening process
- Project development and implementation[29]

> *You have to have a strong Chair, that's critical. I mean, your Chair has to facilitate, manage effectively, be able to get discussions going … And there are always key people who are worker bees …. Tapping into those people at the right time goes to the finesse of the one that is chairing not to exclude anyone because you've got to bring the other people along.*
> [Participant, Creating Collaborative Structures Workshops, 2007]

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[29] Himmelman (2002, p.9) describes 10 roles that collaborators might take on within the collaborative process (pp.9-14), but he does not give consideration to what this means for leadership. I would suggest that all of Himmelman's roles could be considered examples of taking the lead in aspects of a project.

• Embryonic context

Understanding the embryonic context of a developing collaborative is the first step in building a project in which leadership skills are valued and members actively decide who guides the various aspects of the process.

The context in which an idea emerged may sometimes be complicated to unravel, but it is important to do so because it will have a strong influence on the form the collaboration will take and on who takes the initial lead. For example, over the past decade the need for changes to civil justice systems that increase accessibility has been an international, national and local recognition. However, responses to this need vary widely depending on governments, current practices and local conditions. Some examples of how the process may begin are:

✓ An individual takes the lead by bringing a fledgling idea to other stakeholders and potential participants. The initiative that brought about the British Columbia Supreme Court Self Help Information Centre began in this way.[30]

✓ An independent organization develops an idea designed to address its mandate and seeks the participation of relevant stakeholders. The *Civil Justice System and the Public* is an example of this.

✓ Government may propose an initiative to relevant stakeholders. The *Alberta Self-Represented Litigants Mapping Project* began when Alberta Justice reached out to local stakeholders.

✓ Funding organizations may put forward seed ideas for collaborative projects.[31]

• Visionary initiation

Regardless of the embryonic context, someone has to have the courage to voice a new idea. Visionary leadership is essential – without it nothing new can be achieved. The person who is the visionary initiator will likely expect to have an active role in the developing initiative. This seems obvious, yet once an idea takes flight it is surprisingly easy to forget how it began, especially when the initiator is part of a large organization and the idea is first expressed to superiors. Furthermore, visionary leaders may not be particularly talented at developing the details required to successfully implement an idea.

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[30] The history of this project can be traced through the research reports available at http://www.lawcourtsed.ca/Self_Help_Information_Research/. The British Columbia Supreme Court Self Help Information Centre website is http://www.supremecourtselfhelp.bc.ca/.
[31] Funding from Law Foundations and Departments of Justice are usually connected to an issue of concern and increasingly require stakeholders to collaborate in an initiative. The Social Sciences and Humanities Research Council grant that funded the CJSP was specific to collaborative research, which is an example of how elements in the embryonic context can combine.

When the project is collaborative, it is essential to recognize and involve the initiator throughout the process. To do otherwise will certainly create a feeling of being disrespected and unappreciated and may plant the seeds for ultimate failure. It is important to:

✓ Recognize, celebrate and respect the essential contribution of the individual who initiated the collaboration.

✓ Constructively involve the initiator in the collaborative process as the project evolves.

✓ Have an open discussion with all collaborators about project guidance that asks what kinds of leadership are required and who is best suited to take on the various directing roles.

- **Convening process**

Expressing the idea for a collaborative initiative is a first step. Following this a considerable amount of work must be invested to successfully bring together potential participants. The formation and maintenance of a successful collaboration requires respectful, friendly and efficient convening.

Convening is an important form of leadership but the resources required for this are often underestimated or overlooked when planning. It usually begins quite informally as the initiator seeks to involve others in developing a project but ensuring that all relevant stakeholders are identified, fully informed and encouraged to participate requires considerable work. Initiators should plan from the outset to acquire resources that allow convening to be done well.

Once the collaborative is formed, discussing how ongoing convening will be resourced should be part of the planning process. Members must either commit time to share this work, or find resources to employ a project coordinator. Whatever approach is taken, convening includes taking care of the following tasks throughout the project:

✓ Initial stakeholder identification and contact.

✓ Preparing and disseminating information about the project.

✓ Organizing and holding meetings of the collaborative.

✓ Preparing and distributing Agendas and Minutes.

✓ Coordinating stakeholder knowledge sharing in between meetings.

✓ Coordinating applications for funding.

✓ Hiring project staff.

✓ Overseeing management of projects funds and in-kind contributions.

✓ Ensuring ethical responsibilities are met (including data protection and other research and reporting protocols).

✓ Ensuring required reporting takes place (financial, feedback to members and the larger community of stakeholders, reports to funders).

✓ Facilitating conflict resolution among members.

✓ Coordinating dissemination activities (distribution of project information materials, community and media information, development and distribution of outcome products).

- **Project development and implementation**

In addition to the convening tasks, project development and implementation will include some or all of the following aspects:

✓ **Development of specific objectives and outcomes**. This must first be convened and then achieved by the collective.

✓ **Funding and other resource development**. Writing applications is best achieved by a small experienced sub-group and reviewed by the collaborative.

✓ **Day-to-day project coordination and administration**. If the project is small, the convenor(s) may be in a position to manage this. A medium to large project will need staff with time assigned to this task. In a collaborative process, hired staff must also be regarded as equally important members of the group.

✓ **Conflict resolution**. The collaborative should agree on a process for conflict resolution, which identifies who will take the lead to a) facilitate and b) conduct this important process.

✓ **Research**. The project may involve conducting research. Even if members of the collaborative have the requisite technical skills, it is often more credible to hire independent researchers, who must take a lead role in sharing knowledge with the group as a whole.[32]

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[32] Most of the project examples provided in this Resource had a research component that employed independent researchers. The CFCJ Research Director can be contacted for detailed information on conducting collaborative research (http://cfcj-fcjc.org/about/staff-en.php#3).

✓ **Development of disseminations**. Collaborative dissemination tends to be varied and can become complicated. Participation in authorship, presentations and interviews about the project can be sources of unequal power and conflict. Development, management and participation in all forms of dissemination requires careful thought and discussion among the collaborators.[33]

Characteristics of collaborative leadership

Collaborative leadership is:

✓ Innovative, egalitarian and dynamic.

✓ Shared in order to value the different but equal contributions of members.

✓ Concerned with framing problems and challenges in ways that find common ground among dissimilar perspectives and mandates.

✓ Concerned with identifying who is best able to guide the various aspects of the project.

✓ Considerate of relevant skills, capacity to take on tasks, and the degree of direction or supervision required to accomplish goals.

✓ Encouraging of leadership skills in all members by sharing knowledge, experience and mentoring.

✓ Self-reflective with concern to continual improvement of leadership skills.

✓ Open to leadership change that is necessary, positive and assisted by the formation of a transition plan.

✓ Strong and effective because it is carefully considered.

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[33] Involvement in disseminations is a complicated matter for collaboratives. If academics are involved, scholarly publications can be vital to their career but of minor concern to practitioners. Some people are skilled at interviews and presentations, others at writing and will therefore seem natural choices. At the same time a collaboration is committed to sharing knowledge and skill and so dissemination activities should also include learning opportunities.

6. *What Do We Want To Accomplish?*
Set clear goals, objectives, and action plans

> *Every single time … I am amazed at how we've ended up with different understandings of what we thought was a mutually agreed upon course of action. Just having someone repeat what is supposed to happen next is very useful."*
>
> [Participant, Creating Collaborative Structures Workshops, 2007]
>
> *I think that's an area where we spend some time up front to just confirm that we are all operating on the same assumptions and using the same definitions, rather than get three-quarters of the way through it and finding that we all have very different perceptions.*
>
> [Participant, Creating Collaborative Structures Workshops, 2007]

Key Component #3 is concerned with identifying what collaboration is about. Clearly conveying our idea – the overall vision - for the project is just the first step in developing a convincing and achievable project plan.

Actual project plans develop through a series of steps and stages. Early on we will want to relate the project vision to a mission or mandate that resonates with potential collaborators. For the justice community, this might be stated as the broad mission of achieving a justice system that is accessible, effective, efficient and fair. The project vision concerns a way to contribute to that mission, such as establishing a centre to assist the public in understanding and resolving legal problems.

> Goals, objectives and action plans take the collaborative vision and turn it into an achievable initiative with outcomes that can be assessed.[34]

Goals are broad statements about what we aim to achieve over the life of the project. Once we have determined the goal we must persist with our attempt to reach it no matter the obstacles we encounter. Objectives support goals by identifying concrete action steps that will be taken towards overall achievement.[35] If conditions change, our objectives may have to be adjusted. While objectives are action-oriented and therefore potentially measurable, accomplishment and evaluation will likely require the subsequent development of a detailed action plan. Action plans have to be flexible

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[34] The CFCJ website sets out our mission (which in our case is also our organizational mandate and primary goal), our vision, and a set of objectives that lay out how we will go about achieving our goal.

[35] Sources are in agreement when defining goals, but less united on describing and explaining objectives! The explanation provided below has been drawn from an overview of sources and discussion with project planning experts.

because it is impossible to anticipate everything that will happen during the course of a project. Depending on the complexity of the project, it may be necessary to state multiple goals, each with its own set of objectives and related action plans that have to be regularly reviewed.

> *Perhaps one of the greatest challenges faced by members of a collaborative is the complex process of moving from a broad mission statement to the 'nuts and bolts' of the work to be done.*
> [Council of Chief State School Officers, 2004, p.5]

Collaborative members must agree on a process for systematically discussing, deciding and reviewing these planning elements, which must take into consideration who is participating, and the time and material resources required. Once the project plan is agreed, the details should be recorded in a statement of collaborative understanding.

Goals

> *A vision is … a picture of the future …. The goal identifies what it will take to make the vision a reality. A goal is a broad statement of what you want to achieve.*
> [The Collaboration Round Table Tool Kit, 2001, p.66]

Goals are broad, abstract statements of what an initiative intends to achieve. At the same time they need to convey a focussed intent that is realistically attainable. The ultimate success of a project will be judged by how clearly it can be seen to have achieved its stated goals. For this reason, it is a good idea to have a series of goals, or one main goal with a set of sub-goals that are process and time related. This makes it much easier to recognize what has been accomplished even if all hoped for outcomes are not attained.

It is very important to include the process of establishing and maintaining the collaboration as a goal of the project. Collaboration is an essential part of the initiative to be achieved and analyses have shown that the benefits of sustained networks can also have value above and beyond outcomes of a concrete nature.

Goals can be stated in a variety of ways, so consider what works best for your specific project. For example, an initiative to improve an existing service would want goals that state what will change. A proposal aimed at assisting self-represented litigants will

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reflect that in its goal statements. A project that is primarily research-based might state a broad goal with sub-components framed as research questions.[36]

Objectives

> *An objective can be defined as a short-term activity to implement a goal and as a measure of progress on achieving a goal.*
>
> [Himmelman, 2002, p.15]

Objectives are more challenging than goals to define and set because they have some contrary characteristics. It is agreed that they should indicate concrete steps towards achieving the identified goals and that we should be able to measure in some way that each step is achieved. On the other hand, goals are so varied that objectives must take many different forms. Furthermore, objectives may have to be adjusted to address unforeseen or changed conditions as a project unfolds. Consequently, definitions of an objective (such as the example above) tend to be a bit fuzzy and inconsistent and so does their application in practice.

We suggest the best approach is to regard objectives as the building blocks to an action plan that will achieve the project goal(s). To formulate a strong overall plan we need building material that is SMART - specific, measurable, appropriate, realistic, and time related.

> *Create **SMART** objectives*[37]
>
> **S**pecific
> **M**easurable
> **A**ppropriate
> **R**ealistic
> **T**ime related

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[36] See the CJSP Working Document for a research example. The ALSMP action plan includes goal statements and a detailed time specific plan of project implementation. The Division of Criminal Justice Services New York State (2004) provides tips and examples of goals and objectives at http://criminaljustice.state.ny.us/ofpa/goalwrite3.htm.

[37] The SMART acronym is widely cited as a planning tool without reference to an original source.

The number of objectives and the way in which they are ultimately organized and presented will be very dependent on the nature and scope of each project. For some projects it will make sense to identify concrete steps as action sub-components of the major goal(s). In other cases the objectives may be most effectively expressed as expected outcomes (both tangible products and less tangible benefits). If the project is large in scope and length of time, it could make sense to have phase-related objectives.

What is important is not the precise form objectives take, but that the project planning process includes conscious, systematic identification of the key building blocks essential to attaining the overall goal.

A collaborative process for arriving at objectives is to brainstorm about everything that will be needed to achieve the project goal. First, generate questions about what is necessary, then turn each agreed answer into a written objective. Regard the results as a working draft and review each item against the SMART formula to ensure viability.

The following list provides examples of the kinds of questions to ask:[38]

- ✓ What space is needed to accommodate this project?

- ✓ What forms of knowledge must be acquired?

- ✓ What skills must be developed or obtained?

- ✓ Are there ethical considerations or requirements to meet?

- ✓ What kinds and quantities of resources are needed?

- ✓ Who benefits from project outcomes?

- ✓ What tangible products do we want?

- ✓ What benefits are expected from the collaborative process?

- ✓ By when must we achieve our goal(s)?

Action Plans

In terms of the day-to-day project work, objectives are still only broad indicators of what needs to be done. The next step is a detailed plan of action that sets out how the objectives will be realized. At this stage, options for realizing the objectives must be identified and the associated benefits and restraints weighed before a course of action is decided.

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[38] The list is not intended to be either directive or exhaustive. Each collaborative should engage in the brainstorming process to identify needs appropriate to the initiative.

An action plan provides a comprehensive assignation of roles, resources and timelines to step-by-step tasks. The plan will need to be reviewed frequently and adjusted as required. Responsibility and process for doing this must be clearly allocated. The method of recording the plan details will depend on the scope and resources of the project.[39]

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[39] The ALSMP posts a regularly updated, detailed Action Plan to the project webpage at http://cfcj-fcjc.org/docs/2008/mapping-actionplan-en.pdf. This plan is created using software available on most office computers. If a project warrants the investment in time and money, specialized project management software is available. For small projects, weekly and/or monthly electronic and laminated wall calendars may be the answer.

7. *Who Are The Collaborators?*
Identify and include all relevant stakeholders

> *I think the question to be grappled with is … who do we need to collaborate with to achieve whatever our agenda is? You have to figure out what you want to do before you know who you want to collaborate with to get it done.*
> [Participant, Creating Collaborative Structures Workshops, 2007]
>
> *The key now is to look and examine which stakeholders should be involved, how should they be involved, how do we build on that and come up with a model we can continue to work with.*
> [Participant, Creating Collaborative Structures Workshops, 2007]

When we ask: "Who are the collaborators?" we ask a multi-faceted question. To answer it we need to ask and answer the following sub-set of questions:

- Who *should* be collaborating?
- Who *is* and *is not* collaborating?
- Do we *know* and *understand* who we are?
- *How* can we collaborate?

Who should be collaborating?

There are two basic positions that can be taken in deciding who should collaborate:

1. Select **the 'right' stakeholders**, identifying those who recognize the benefit, share values, and are trusted by the initiators. Essentially, those we already know that we can work with.[40]

2. Include **all relevant stakeholders**, that is, everyone who in any way will be involved in attaining the goal and sharing the benefit.

There may possibly be projects where the first option is the preferable choice.[41] However, when the ultimate goal is institutional and societal change - as with access to justice - we suggest that this can only be achieved by involving all of the stakeholders and perhaps most especially those who do not have a history of collaborating.

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[40] For some ideas on taking this path see Collaboration Roundtable, 2001, pp.27-31.
[41] See the discussion on how collaborators should be involved for ways in which both approaches can be effectively combined to meet the array of stakeholder interests and capacities.

> *We need to insist on collaboration, not merely as an ideal, but as a basic design element.*
>
> [Parker & Gallagher, 2007, Front page quote]
>
> *If governments cannot manage more innovative and collaborative approaches to social problems, there is growing evidence that their citizens can.*
>
> [Parker & Gallagher, 2007, p.22]

In support of the inclusive approach, we refer back to the quote featured in the discussion of why we should collaborate. To achieve our access to justice vision we must:

> *Inspire people from the Chief Justice of the Supreme Court of Canada all the way through to the user about how we can have a user-focused justice system. We need to be able to pull together common themes and that way we'll have a vision that includes everybody and people can feel part of a system that really works for that.* [Participant, Collaborative Structures Workshops, 2007]

Sources concerned with policy change inevitably take an inclusive view for the following reasons:[42]

➢ Collaboration is necessary to sustainable innovation.

➢ Collaboration requires continuous social learning that circulates ideas, shares experiences, and transfers know-how.

➢ People learn more and faster when involved in networks that grow learning communities central to providing the right institutional space and cultural context for constructive change.

➢ To succeed, innovations must occur within institutional capacity that is involved and includes civic, business, social, and intellectual leaders.

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[42] These four points are adapted from Bradford, 2005, pp.2-3.

<u>Steps in identifying collaborators</u>

> *Nobody came to us and said, "Would you like to give input?" A great opportunity was missed by not having our input. … We can give the input. We can tell you what lay people are having problems with. We can tell you what the problems with the system are because we deal with them and we fix them.*
> [Participant, Creating Collaborative Structures Workshops, 2007]

✓ Make a list of potential collaborators (who have or should have an interest in the goals of this initiative. Use existing knowledge, directories, and encourage initial contacts to suggest others).

✓ Check to see that the following sectors are included:

- o *Service users* - ensure a range of perspectives with special attention to First Nation, Métis, Inuit, ethnic minorities, persons with disabilities, gender, and areas of law. Include lower, middle and higher income groups, and businesses that might be users or supporters of the proposed innovation.

- o *Departments of Justice* at the level of Assistant Deputy Minister or higher.

- o *Court services* for all relevant courts (management and front-line).

- o *Judiciary* for relevant courts.

- o *Administrative tribunals* of relevance.

- o *Other government ministries* with intersecting mandates.

- o *Private Bar* (Law Societies, local CBA, individual practitioners in relevant geographic areas or specific areas of law).

- o *Legal aid* (management and front-line).

- o *Pro bono* services.

- o *PLEI* providers.

- o *Alternative Dispute Resolution* programs.

- *Other access points* for legal information or services (community and public service organizations serving people who are likely to have legal needs or interests relevant to the project).

✓ Identify the interests of each stakeholder, what they can contribute, and what role they might take or represent.

✓ There are movers and shakers to be found everywhere. Within each stakeholder group, seek out people known to foster positive change and who are concerned with the conditions and context of the project.

✓ When a stakeholder is a large institution, search out people who act as institutional intermediaries and are in a position to put forward and/or manage change (e.g., oversee or influence planning, resource allocation, evaluation, internal integration).

✓ If a stakeholder has front-line service involvement seek this perspective as well as that of management.

✓ Engage stakeholders in helping to identify and involve service users in the collaborative process.

✓ Make initial contact and communicate relevant details of the project.

✓ If at first resistance or disinterest is encountered, use active listening to better understand what will interest these stakeholders. Persist in attempting to win their support and involvement.

Who is and is not collaborating?

The process of identifying and contacting all stakeholders who should be collaborating reveals the groups who are readily involved and those who need to become engaged. If representatives have been invited but choose not to participate it is important to understand and address the reasons why.

> *You have to get some of those front-line workers in on whatever you're working on because they do know the day-to-day, ins and outs, of who's on the other side of the counter and what happens as it goes through the system.*
>
> [Participant, Creating Collaborative Structures Workshops, 2007]
>
> *One of the other challenges is how do we actually engage the end users?*
>
> [Participant, Creating Collaborative Structures Workshops, 2007]

Understanding who we are as stakeholders helps to identify the interests and kinds of participation most likely to encourage involvement as well as the concerns that may create road blocks.

Ultimately, engaging new stakeholders takes persistence, conviction, coaching, trust building, and innovative approaches. The justice community faces some particular challenges to bringing all representatives together at one time and place, and it is important to recognize this. Three important groups are often absent from broad collaborations:

Service users.

There are several reasons for the absence of people who have actually used legal services:

➢ A belief that users cannot contribute in a meaningful way because they don't understand the law or the justice process. To the contrary, we suggest that this is a reason they definitely should be included! Users are the people who can best tell us what they need.

➢ A belief that users cannot be objective about their own experiences. To the degree that we all bring personal experiences to a discussion, this is equally true for members of the justice community. Some people are more skilled than others at applying insights constructively, but experienced based reflection is essential and should be facilitated. In our experience, the involvement of willing service users is highly beneficial.

➢ It can be difficult to identify relevant users and people who have had a legal problem often just want to forget about it. Assistance from front-line legal and social service providers is a productive way to engage users.

➢ Certain groups of major users, such as large and small businesses and government departments are overlooked. These groups are frequent, experienced, and informed users with interesting perspectives to offer. They are often easier to engage than individual litigants.

<u>Front-line service providers</u>

The most common reason for the absence of front-line representatives is that they were not invited to take part, and this is especially true of large organizations. Convenors have to be clear that input is needed from both management and those who actually deliver services.

Sometimes it is difficult for service providers to participate in meetings that take them away from service delivery. Another problem may be the risk of giving honest input alongside those who have power over them. Solutions to these problems are addressed in <u>Key Component #11</u>, which is concerned with negotiating unequal power and resources.

<u>The judiciary</u>

The importance of judicial independence, the need to maintain impartial opinions, and the power of the position often make it difficult for members of the judiciary to participate directly in groups of diverse stakeholders. Judges are constrained in the input they can freely give and others are constrained by their presence. Providing participation options is key.

Do we know and understand who we are?

There are systems and there are people. Systems become entities that have cultures and ways of operating that go beyond any individual and that train people to communicate and behave in certain ways and can inhibit individuals from doing the kinds of things they may personally want to.

[Participant, Creating Collaborative Structures Workshops]

Within every facet of the Canadian justice system there are many people who chose their work because they have a strong belief in legal and social justice. Each day they strive towards that goal.

At the same time, our systems of justice are complex and built on the principle of opposing arguments in which one side 'wins' and the other 'loses.' Inevitably, some stakeholders have mandates and roles that are at times contrary. Understanding the varied mandates, philosophies, social roles and resources of collaborative members is essential to finding common ground, building trust and negotiating conflict.

<u>Individual personalities</u>

Courses for business managers emphasize the importance of understanding different personality styles. As individuals we have preferences for interacting, learning, thinking and feeling.[43] It is important, and surprisingly easy, to allow for this within a collaborative process. The following practices will help to accommodate the basic needs and styles of various personalities:

- ✓ Provide information in more than one way. If possible, provide all three of written, oral, and visual options.

- ✓ More extroverted personalities like to give quick responses, thinking and reflecting as they talk. This is actually helpful to those who like to take more time to reflect on a range of views before offering their considerations. Ensure a process that accommodates both styles and make certain that everyone has an opportunity to give input.

- ✓ Some people have an uncanny way of providing vital insights via intuition and feeling. Others want hard facts and concrete evidence. Sound decisions consider both kinds of knowledge.

- ✓ It is easier for some of us to provide input quietly to just one other person, or to provide it in writing. At the end of a meeting, allow opportunities for additional feedback to ensure important reflections are not missed.

- ✓ Be brave and let others know how you best interact, think and learn. Inform others of cultural differences in interaction practices.

- ✓ Remember, most collaborators are representing their organizations. Organizations should not be judged by one 'difficult' personality. Equally, individuals should not be condemned for putting forward the principals or constraints of the organization they are tasked to represent.

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[43] The Myers-Briggs Type Indicator (MBTI) is most often employed by businesses but can be useful for understanding interactions in any setting including a collaboration. Information is widely available on the Internet (see http://en.wikipedia.org/wiki/Myers-Briggs_Type_Indicator). There are numerous free inventories such as: http://www.humanmetrics.com/cgi-win/JTypes2.asp; http://similarminds.com/jung.html.

<u>Stakeholder identities and cultures</u>

> *In a world focused on action and achievement, collaboration often seems like a distraction from completing tasks and meeting output targets. Worse, for professional groups collaboration can sometimes suggest a betrayal of their training, values and identities …There are also a number of 'hidden' attitudinal barriers to collaboration that … need to be addressed.*
>
> [Parker & Gallagher, 2007, pp.116-117]

Members need to share information about organizational missions, values, procedures and restrictions. This can be more difficult than it sounds, because it requires honest reflection and candid recognition concerning organizational history and prior interactions within the larger community of collaborators. It is especially important to do this if past relations have at any point been negative and it would be remarkable if that were not the case. We are learning to collaborate because we do not have a history of doing so and have recognized this as detrimental. We are involved in changing our institutional histories.

Each collaborative must take the time to reflect on which organizational cultures are involved. Some stakeholder groups share certain basic characteristics and it may be helpful to consider these:

- Community-based non-profit organizations
- Government
- Public services
- Academic

- **Community-based non-profit organizations**

There are numerous non-profit, community-based organizations that provide legal information and other forms of assistance.[44] Many more provide services to people who often encounter legal problems. Such organizations are important pathways to accessing justice.

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[44] There are of course organizations (such as businesses) that are not government and are for profit. At times such organizations may be involved in a justice-related collaboration, but currently this is rare and detailed discussion has not been included at this time.

Community-based organizations are extremely varied in size, mandate, material resources and philosophical commitment. Representatives face some particular challenges and points of tension in joining and fully participating in collaboratives:

> *Fighting for recognition.* Organizations committed to serving particular groups of people (such as First Nation, Métis, Inuit, people with a specific disability etc.) often struggle to gain acknowledgment of the specific needs of that group. Consequently they may fear that an alliance will weaken that recognition.

> *Competing for funding.* Non-profit groups frequently apply to the same funding sources. In the past they have been expected to prove that the services they offer are 'better' than and do not 'overlap' others. The move by funders to encourage collaborative applications is relatively new. Community organizations need assurances that working together will benefit their organization and not result in a loss of revenue.

> *Understaffing.* Non-profit organizations often operate with few staff, most of whom will be involved in direct service provision. Attending collaborative meetings can take time away from an already heavy client load, a backlog of paper work, or developing much needed funding proposals. This is a very hard choice to make. The benefits must be tangible and clear and the collaborative must ensure support to create equitable participation.

> *Mandated position.* The mandates and philosophical commitments of some community-based organizations may cause discomfort if other organizations (especially government and large public services) feel more like natural opponents than allies. These tensions may be grounded in past experiences or merely untested perceptions. Either way, frank discussion of concerns is vital. But to this with a common goal, such as access to effective and fair justice processes, ways to work together with respect for different orientations can be developed.

- **Government**

Collaboration (in some form) is now widely considered desirable – even necessary - to better address difficult 21st century problems. There is evidence that all three levels of Canadian government are increasingly collaborating with community partners.[45] Most examples of collaboration this *Resource* offers have involved provincial/territorial and/or federal Departments of Justice. This is new and complex terrain for governments, which must find ways to collaborate across departmental and jurisdictional boundaries, as well as engage with diverse communities.

As yet, there is little systematic research about government involvement in stakeholder alliances, especially as an active collaborator. The challenges to traditional bureaucratic

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[45] For example, Bradford, 2003, p.69 cites this as an observation reported by the OECD.

operating and reporting relationships are extensive and the difficulty of the adaptations should not be glossed over.

> *Effective collaboration is also frustrated by rigid, confused and contradictory policy …. Government departments can often appear to be lumbering beasts more interested in meeting political targets than really solving local problems.*
>
> [Parker & Gallagher, 2007, p.17]
>
> *Some governments are more open than others – at least some of the time. However all government policy making is characterized by secrecy until all possible options have been sifted through and one policy outcome has gone through all the levels of bureaucratic and political approval …. I think it is a serious impediment to the concept and certainly the creation of collaborative alliances.*
>
> [Creating Collaborative Alliances, Government Reviewer]
>
> *Government seems indispensable as an ally… but capriciously unreliable… in its ignorance of local circumstance and its own potential to foster development.*
>
> [Bradford, 2003, p.6]

Governments have particular roles in democratic societies that can both constrain and enable alliances (sometimes simultaneously). Clearly, there is built-in tension when government representatives become collaborators. For the individuals involved this is difficult and sensitive, but the issues are inevitable and need first to be acknowledged, then carefully and candidly worked through.[46] The following are important factors to keep in mind:

➢ The role of 20th century democratic governments was to mediate between market and citizen interests and maintain an economic and social status quo, limiting change to what is essential to that purpose.

➢ Governments are recognizing that meeting 21st century challenges will require real change in ways of operating. Departments and Ministries are increasingly committed to finding ways to collaborate. Some individuals within government are expert collaborators who lead the way in identifying and teaching the ways in which governments can be genuine and effective members of internal and

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[46] See Bradford (2003); Todeva & Knoke (2005,p.130); and Parker & Gallagher (2007), for more discussion on the role of government in collaborations.

Community-based collaborations.[47]

> Nevertheless, because of the way governments have functioned in the past (and often continue to do so), all governments have a history of non-collaboration to overcome. There are many examples (both experiential and academically documented) of government co-opting the language of participation but practicing only token consultation with citizens; promising support and engagement to address social issues, but enacting funding and program cuts detrimental to that end. Consequently, citizens and community-organizations (including community-based government services) tend to view government involvement with extreme caution.

> Despite the tensions, government engagement is ultimately indispensable to meaningful social change. All levels of government must be involved partners in ensuring accessible, effective, efficient and fair systems of justice. A collaborative tradition can and must be created for government.

> This requires government and other collaborators be open to developing trust. Government forays into collaborative initiatives must be sincere. All stakeholders must be willing to invest time, patience and the courage indispensable to honest and transparent dealings. Careful consideration and review of the terms of collaboration are essential.

> Collaborative understanding and support is needed when individuals representing government find themselves facing internal roadblocks or setbacks to their personal dedication to genuine collaboration.

- **Public Services**

Many justice and legal services, such as legal aid, are partially or fully funded by the government. Some operate under the direction of an arms-length independent board of directors and perceive their day-to-day operation as non-partisan. This degree of autonomy from changing political parties is important, and rightly defended by those operating such services, who at times may actively oppose government directions and policies.

Even services immediately under the direction of a government ministry are often staffed by people who are dedicated to increasing access to justice and who work to maximize operational autonomy. Individuals in public service contexts deserve understanding and respect for the often difficult contexts in which they work.

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[47] Several such individuals (federally and from three provinces) reviewed the draft of this *Resource* and gave very reflective feedback. The middle quote in the box above was provided by one of these reviewers and sums up a point that others also emphasized: the challenges for collaborations with governments cannot be over-emphasized; nor can their essentiality to real change.

At the same time, it has to be understood that members of the public do not perceive these institutionalized services as autonomous. Rather, the public view such services and their staff as arms of the state or government. This viewpoint is not likely to change because most people accessing these services are at a power disadvantage and they experience the interaction as oppressive.

Collaborating groups have to recognize that this tension is inherent and that both perspectives are valid. Time must be taken to allow honest dialogue that separates individual collaborators from organizational structure and process. Talking openly about the challenges will usually point the way to common ground and paths to constructive change.

- **Academic**

As active collaborators, academic institutions can offer many benefits, including providing a neutral holder of joint project funding. Faculty generally have a high degree of autonomy and can offer theoretical understandings, technical skills and a relatively objective perspective. There are possibilities within a range of disciplines for justice-related theoretical and research interest in collaborations with the justice community. Unfortunately, the potential is often overlooked by both justice and academic communities and few academics are currently active in developing research, theory and policy related to systems of justice.

Due to the complexity of the institutions involved, making productive contact can be difficult to accomplish. But, pressure to collaborate also exists for academics and there are an increasing number of university initiatives aimed at facilitating community contact with interested academics.[48] The following tips may be helpful:

- ✓ Local colleges, as well as universities may be interested in collaborating on an organizational or individual basis. Colleges attempting to develop research involvements may be more open to new areas of interest.

- ✓ Check the Canadian Forum on Civil Justice Directory of Socio-legal Researchers to see if there is a relevant entry.[49]

- ✓ Call university information desks to see if there is an office or network of collaborative research or community-based learning. If there is this, it will be a good starting point to identify interest.

- ✓ Look at college or university websites to see if there is a directory of research interests; a search function that allows you to identify faculty members with

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[48] A lack of academic engagement in social research about non-criminal systems of justice and related issues is an international concern (Genn, Gann, Partington & Wheeler, 2006). See also Research in Action: Developing Networks for Evidence Based Socio-Legal Research.
[49] The CFCJ continues to work to build up this Directory. If you do not find a useful entry, contact us and we will try to identify appropriate researchers.

particular interests; or a list of research institutes that could aid identification of mutual interests.

✓ Contact the graduate student coordinators in faculties concerned with related issues. Graduate students are often looking for opportunities to learn more about the practice side of their topics and are able to offer the most up-to-date academic knowledge.

✓ Try an Internet search on the topic of interest confined to your locality.[50]

We need better communication between justice system providers and academic researchers. The two groups do not know each other or each other's issues.

In academia we often don't know about the quiet policy and program successes …. We would benefit as researchers by knowing some of the clever things being pulled off and learning what is working and what didn't.

Wise academics reach into the community to build networks for research. These partnerships are producing exciting information.

[Participants in the British Columbia *Research in Action* Workshops, 2007][51]

Like governments and public services, universities and colleges have cumbersome bureaucratic rules, processes and specific time cultures. Academic collaborators must negotiate their institutional requirements and it is important for the collaborative to discuss and agree on:

✓ *Mutual knowledge sharing benefits.* Intersections among legal and social issues are many and complex and often not fully recognized. Academics are potential users of justice systems, and for the most part, have no greater understanding of the law or justice processes than the general public. An exchange of expert knowledge and experience will benefit both academic and justice community initiatives. Researchers and theorists will gain understanding of how systems work and can offer technical skills in research and policy analysis.

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[50] This is a bit of a long-shot but only takes a few minutes to do. For example, an experiment using the search - poverty+justice+Calgary +"academic research" - returned several results with potentially useful leads.

[51] The full report from these workshops is available at: http://cfcj-fcjc.org/docs/2008/stratton-workshops-en.pdf.

✓ *Data ownership and sharing* is an aspect of knowledge exchange with high potential for both mutual benefit and misunderstandings. Academics and justice communities have ethical and legal obligations concerning privacy and confidentiality. Academic freedom, like judicial independence, is of crucial importance, but so are the concerns of stakeholder groups that data not be used for purely negative critique of organizations or disadvantaged social groups. Once again, frank discussion can point the way to practical agreements.[52]

✓ *Time-line expectations*. Academic time lines ebb and flow with the school year whereas government and community organization time-lines tend to be driven by the fiscal year. The collaborative must be clear about the time-lines involved, agreeing contributing roles and an action plan that are workable for all members.

✓ *Product and outcome expectations*. Although funders now emphasize collaborative initiatives, academic culture continues to value 'scholarly' peer reviewed publications above any other contribution. The practice-based world values plain-language reports with concrete recommendations and publicly accessible materials. This can become a serious point of tension; however, varied disseminations are beneficial to everyone and academics and practitioner can learn much from each other about writing, design and promotion. Agreeing on outcome products and time lines for these is the key to success.

- **Service users**

Earlier, this component looked at who is and is not collaborating, noting that actual service users were often not included in justice community collaborations.[53] Efforts to include lay people in justice collaborations are increasing and producing valuable outcomes.[54]

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[52] These negotiations may not be easy. Changes in practice are involved for both academic and justice communities. Academia, like government, has negative history to overcome, especially in terms of the kinds of knowledge that is valued. Nevertheless, the CFCJ has found it possible to arrive at data sharing and protection agreements that benefit community, government, academics and their students.

[53] Improving the justice community record for user involvement is an international concern. Health and education sectors, often cited as having better success in involving users in policy and programming, may provide useful models.

[54] Having lay representatives on justice community, boards and committees is definitely a work in progress, but there are examples (such as legal aid Boards). User testing in the PLEI world is quite common, although co-design (where users are involved in the entire process of PLEI development) is less so. In the next section of Key Component #7 "How can we collaborate", we talk about the many ways in which collaboration can occur.

> *You need to have maybe a judge or two, a few lawyers. But you have to have the paper people because that's where basically the key to the whole system is I think. And you need to have some public input .... I would take part if I could, but I don't think I'm educated enough to do so. I guess maybe as part of a cross section group.*
>
> [Public participant in the *Civil Justice System and the Public*]
>
> *And one of the things we learned … was that there had to be a better way than going to court …. And so what we did – we worked as an industry – and established … an arbitration program …. We called it fast, free, fair, friendly, and final.*
>
> [Corporate participant in the *Civil Justice System and the Public*][55]
>
> *You never know what could happen in the future …. So I guess I would consider myself somewhat a partner to the reform … It's important to be part of changes ….You know, if we were being communicated with then I would definitely be willing to be a part of that … feedback to the system reforms.*
>
> [Public participant in the *Civil Justice System and the Public*]

Every individual and every social sector is a potential user of legal services. Remembering this will assist in identifying lay people to invite into a collaboration. CFCJ findings revealed difficulties faced by highly educated individuals, government departments and corporations and provided a powerful illustration of where problems lie with the system rather than the user. When identifying lay participants in a collaboration a full range of public perspectives is, therefore, beneficial.

It is very important to have input from people experiencing particular barriers to accessing justice, but CFCJ experience indicates there is a tendency to think of service users *only* in terms of marginalized groups. It is equally important to have representation from the socially advantaged, who are often major users of the system. Those who, as yet, have not required legal services can also offer an important perspective on access.[56] The following list provides some suggestions:

- ✓ *Businesses* (of all kinds, both large and small businesses, tend to be major users of legal services, mostly to prevent problems from occurring and more occasionally to resolve them).

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[55] Drawn from a discussion in the CJSP report, *Learning from Experiences* (Billingsley et al 2006, pp. 52-55).

[56] There may be issues of equitable participation to be considered. Being flexible about ways in which people contribute to the collaboration (discussed in *How can we Collaborate*) is also important for all stakeholders.

✓ *Social systems* (health, social services, education, employment at the service and managerial levels).

✓ *Non-profit organizations* (to take care of legalities and also often in the role of advocates).

✓ *Academic institutions*, administrative staff and faculty (while faculty have intellectual interests in law and legal systems, the institution and administrative staff routinely deal with an array of legal matters).

✓ *In-house counsel* (to be found in business, non-profit and academic settings, bring legal knowledge and user-perspectives to the table).

✓ *Aboriginal peoples* (band councils, organizations concerned with land claims issues, advocates and workers in areas of justice where Aboriginal peoples are over-represented).

✓ *Private Bar clients* (individuals using services for everyday legal needs and problem resolution).

✓ *Legal aid clients* (and also those who applied but could not be helped by legal aid).

✓ *Self-represented litigants* (most do so from necessity becoming quite knowledgeable about process).

✓ *Users of tribunals* (including non-lawyer members of the tribunals).

✓ *Specific legal access needs* (anyone particularly impacted by the law such as people with physical, cognitive and mental health disabilities; seniors, youth and adults in care).

How can we collaborate?

Collaboration is flexible. *We can collaborate in any way that works for us.*

> *But isn't that part of breaking down the silos and everything else? You have to go in with an open mind. I mean, it's so critical that every suggestion should be looked at … to be able to see how it can work knowing that there are barriers and organizational bureaucracy.*
> [Participant, Collaborative Structures Workshops, 2007]

Key Component #1 considers various *types* of collaboration that we may form. Once the type of collaboration is agreed it is also necessary to identify how the differing contributions and contexts of the members can be facilitated. A first step is recognizing the scope of interests and capacities of the collaborators. The following factors should be considered:

- ✓ Where are the collaborators located geographically (how will we meet and communicate).

- ✓ How many different ways of providing collaborative input do we need (one committee, sub-committees, research, working groups, in-person, written)?

- ✓ Are there collaborators with particular areas of relevant knowledge and technical expertise (how will we assign collaborative roles)?

- ✓ Do all of the collaborators need or want to be involved in every stage and aspect of the project? If not, how will we organize that?

- ✓ Is there equitable participation for all the collaborators (or do we need to address resources and power dynamics)?

There are many ways to provide options tailored to the specific project and the various stakeholders and each collaborative must decide what is optimum in that context. The following are useful tools to consider:

- ➢ *Budgetary development* in funding proposals that allows for:
  - o one or more face-to-face meetings when collaborators are dispersed geographically;
  - o financial support to stakeholders with less resources to participate;
  - o cost of technology to facilitate electronic communication.

- ➢ *Electronic technologies* that facilitate collaborative work via:
  - o telephone or video conferencing (including use of web cams) to maximize participation;
  - o Internet communication to share information and work collectively (not just e-mail, but also dedicated web space where documents are posted and discussions and feedback are shared).

- ➢ *A 'hub' approach* where a central group coordinates activities divided into sub groups that make sense for the initiative as ways to involving numerous stakeholders:
  - o from different locales;
  - o with diverse interests;
  - o representing different levels of an organization;
  - o wanting varied degrees of involvement;

o having varied resources and abilities to contribute.

<u>Examples of Flexible Collaboration</u>

- <u>The Civil Justice System and the Public</u> (CJSP)[57]

The CJSP, a national collaborative action research project, was convened and overseen by the CFCJ and a small group of Research Directors. Fifteen justice community and academic stakeholder groups joined the project as formal partners, mainly participating electronically. A Partnership Symposium was held, however, bringing together stakeholders who had no previous opportunity to meet in person. As the research team visited the research sites across Canada, local members of formal partner organizations and many additional representatives became active collaborators, acting as key contacts and/or research participants in interviews and focus groups. Collaborators also assisted in contacting civil case litigants, more than 100 of whom took part in interviews and follow-up focus groups. Participation continued to grow throughout the project and during the dissemination stage. Subsequently, other collaborations among some of the CJSP partners have formed.

- <u>The British Columbia Supreme Court Self-Help Information Centre</u> (SHIC)[58]

The SHIC is a large, continuing collaborative that includes representatives of many civil justice stakeholder groups, primarily in the BC Lower Mainland, but including two national representatives. It formed around concerns about the increasing number of litigants attempting to use the BC Supreme Court without legal representation. The SHIC proposed and brought into being a pilot BC Supreme Court Self-Help Information Centre (now a permanent service), located in the Vancouver Courthouse. SHIC members met in person whenever possible, also providing members the option to join meetings by telephone. Independent researchers were hired and sub-committees were formed from the larger membership to work on specific issues, each one reporting back to the full collaborative, which was involved in every step of the project. Feedback was provided electronically to all members in between meetings. Once the self-help centre came into being, the SHIC negotiated a formally agreed *Project Charter* ensuring a continued community-based and collaborative advisory role.

- <u>The Alberta Legal Services Mapping Project</u> (ALSMP)[59]

The ALSMP, currently in progress, is a large-scale collaborative action research initiative. The aim is to create a province-wide "map" of all services that provide the

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[57] See Billingsley et al (2006) for a detailed overview of these activities.

[58] See Billingsley et al (2006) and Stratton (2008) for more details about this collaboration. A full case study of this collaboration is forthcoming from the CFCJ. Research reports with details of the SHIC can be accessed at http://justiceeducation.ca/research/Self-Help-Research.

[59] The British Columbia SHIC collaboration was a model for the *Alberta Self Represented Litigants Mapping Project*, which in turn inspired the ALSMP. The links between these three projects are overviewed in Stratton (2008).

Alberta public with information, education, legal advice, legal representation and/or other support or assistance related to civil, family, criminal and administrative justice. Collaborating stakeholders include funders, government, legal aid, the private Bar, *pro bono* initiatives, clinics, the judiciary, courts administration, tribunals, public legal education services, law reform organizations, relevant social services and community groups. Several national stakeholders have requested and been granted a role as observers in the collaborative process.

The ALSMP is a community and government shared funding partnership. Project administration is overseen by the CFCJ. Eight Research Directors and a team of researchers working in association with an Advisory Committee of approximately 25 legal service and community stakeholders collaborate in the project development. To ensure that front-line local stakeholders are fully involved as active collaborators, community-based working committees form as each of 11 Alberta districts is mapped. These working groups are key in facilitating involvement from service users.

Participation takes many forms including committee membership, key contacts and informants, interviews and focus groups. In person, telephone and video conferencing are used for meetings of the committees. Collaborators also provide input electronically. All research instruments and project disseminations are reviewed by all collaborators and then made publically available on the CFCJ web site, along with regular project action plan updates. Findings from the ALSM are expected to inform policy and program directions over the next decade.

8. *What Are The Risks?*
Recognize, reduce and manage costs of collaboration

> *The risk that we run is to go around saying, "Oh yes, we want to collaborate, we're very concerned about all of this," but then there's a gap between those fine words and actually implementing it and making it happen.*
>
> [Participant, Collaborative Structures Workshops, 2007]
>
> *Meaningful collaborations are risky and take time. They call for a kind of patience and persistence that is not always available in policy communities, much less in the political universe.*
>
> [Bradford, 2003, p.69]

Change, by definition, means trying something new and untested; this always entails risk. Anytime we come together to share information, ideas, skills or resources, we make ourselves vulnerable, sometimes in material ways and always in terms of how others will observe and understand us. We risk:

❖ Inequitable resource distribution .

❖ Cooptation or application of our contributions in ways at odds with our values.

❖ Being subjected to 'tokenism'.

❖ Appropriation of our ideas or abilities without credit.

❖ Betrayal of confidences.

❖ Being misunderstood.

❖ Being criticized.

Any perceived risk may indicate a potential cost for one or more collaborators and possibly for the overall outcome. Allaying fears about risk can be particularly difficult when a culture of collaboration has not yet been established, or if there is a history of token or 'failed' collaboration efforts.

Quite often, however, the fear of intangible, undefined risk can be more immobilizing than managing concrete threats. Acknowledged as challenges to be met, these become part of the fabric of the collaborative agreement – action components to meeting the

goal.[60] When beginning a collaboration, careful and concrete consideration of potential costs and dangers is important. This conscious, transparent process will help identify ways in which risk can be reduced and managed.

The following list confronts issues often viewed by stakeholder as risks by that might result in negative cost to a collaborative venture. Each is presented here as a challenge that can be met in ways that help to build trust among the collaborators:

➤ *A climate of respectful communication is maintained.* An environment of positive communication is established so that everyone can engage in the frank exchanges of differing view points essential to successful collaboration. Members know their contributions will be considered with respect. Criticism, rudeness, ridicule and dismissal are not tolerated. If inappropriate communication occurs, collaborative leaders act to resolve the conflict.

➤ *The chances and consequences of failure* to meet goals have been openly discussed and objectively assessed. Collaborators are agreed that the potential benefits of success outweigh the risk of failure.[61]

➤ *Adequate resources* are obtained to support the project. Resources include finances, technology, relevant expertise, and time.

➤ *Financial management and accountability is assured.* Collaborative funding and accountability can be complex and is likely to require innovation that addresses multiple funding and reporting responsibilities.[62] The management of funds is assigned to a responsible individual or organization, agreed to by the collaborative. Regular, transparent fiscal reporting is provided.

➤ *The autonomy of collaborators is protected.* Loss of organizational or individual autonomy can have serious consequences for collaborating stakeholders. The collaboration is organized so that stakeholders are assured that:
  ✓ there is no financial and legal risk beyond any specifically contracted agreement;
  ✓ they can access all information needed to meet internal reporting and accountably requirements for their organization;

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[60] Bradford (2003, p. 8) suggests perceived risk tends to be driven more by past history than consideration of current objective interests. His analysis of factors in success or failure of collaborations provides insight into potential risks and how to meet the challenges (pp.65-69). Todeva & Knoke (2005, pp.126-131) concur that history is an important influence. They also offer discussion about motives, intent and choices that is helpful in understanding and managing risk.
[61] See also later in Key Component #8 some thoughts on the value in 'failure.'
[62] For example, the CFCJ as an independent, non-partisan organization is in a position to take on this role for community-based partners. At the same time the CFCJ has a contractual relationship with the University of Alberta, which provides some resources and benefits, but adds a layer of financial management and reporting requirements. In addition to reports to multiple project funders and at times the allocation of funding portions to other collaborators, some projects may require the division of funding between multiple institutions – a truly challenging task!

- ✓ participation will not compromise organizational or cultural values;
- ✓ the unique identity of stakeholders representing issues relative to a specific minority group is respected and promoted.[63]
- ✓ the independence of the judiciary, the Bar, courts and tribunals is assured and protected within the collaboration.

➢ *The ethical concerns of stakeholders are respected*. The concept of ethical conduct is important to justice community stakeholders, who all come to the table confident that their personal conduct is professional and ethical. Most also believe that the organizations they represent operate with ethical practices. Nevertheless, the diversity of justice community roles and mandates inevitably entails some different perspectives on ethical practices. A frank discussion of potential ethical conflicts has taken place allowing the collaboration to plan for stakeholder requirements.[64]

➢ *Expectations of confidentiality are understood*. If collaborators are to have open and honest discussions there has to be some assurance of a degree of confidentiality. At the same time, members are generally representatives for a larger group. An agreement has been reached to address this paradox, such as the following:[65]

> *Discussions between members of [this group] are not confidential or anonymous. Members who are representatives for an organization may be expected to report back on what was learned or discussed during meetings and other communications. However, there is an expectation of confidentiality among the participants concerning individuals or organizations making particular statements or holding specific views. No information that is negative or could harm the reputation of an individual or organization should be repeated beyond the membership of [this group].*

➢ *Equitable participation is created.* Anytime a truly representative group of justice community stakeholders comes together, power relations are also present. This is perhaps the greatest challenge collaborations must meet. The varied interests and capacities of collaborators are recognized and safe, accessible ways of participating have been created to accommodate participants' needs and diffuse

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[63] For example First Nations, Métis and Inuit peoples have differing cultures, legal and social circumstances. The same is true for people with disabilities where needs differ according to the nature of the disability.

[64] For example, ethical responsibilities to clients differ among professional roles and mandates. Individuals and organizations (such as the CFCJ) that have partnerships with universities are subject to strict research protocols. Stakeholders will not be able to participate in some activities such as data sharing or research, if their organizational ethical requirements are not met by the collaboration.

[65] This agreement was developed by participants in the early CJSP focus groups. It has subsequently been adopted by several justice community collaborations and committees.

power dynamics. Key component #11 discusses egalitarian collaborations in detail.

> *Collaborative progress is regularly reviewed.* Because collaborations are evolving processes, both unanticipated benefits and risks may emerge. Assessment and evaluation strategies are part of project planning. Flexibility and reconsideration are expected when something is not working well. Time is made to regularly review progress and collaborative agreements ensuring maxim benefits and minimum risk. Importantly, each successful collaborative step is also assessed and celebrated.

> *A collaborative agreement* has been developed documenting all of the strategies agreed for eliminating or managing the above challenges.

Taking time early in a project for a careful, collaborative process of identifying, minimizing and managing the costs and risks of a project is a positive learning experience. The process will build trust and understanding among collaborators which will facilitate success in all areas of the project. Learning through failed expectations is a harsher lesson.

Some thoughts on the value inherent in 'failure'

Motivational resources often put forward the concept that there is no such thing as failure – only learning experiences. This sentiment offers a constructive way to deal with roadblocks we encounter and is particularly apt to reviewing collaborative ventures where the process is as important as the outcome. Any time a collaborative joins together in an attempt to meet a goal, this is a success.

If the collaborative works well, but the goal is not achieved, there is still plenty of reason to consider the process valuable. Continuing the collaboration and identifying why project goals were not achieved is a positive and affirmative learning experience. A network is now firmly established for on-going exchanges of knowledge and future project work.

If the collaboration falls apart (whether or not project goals are achieved) the learning experience may be painful and difficult, but analysing what went wrong is nonetheless very important to do. It will probably still be possible to engage some or all of the collaborators in analysing what went wrong. Using the 16 Key Components in this *Resource* as a framework for review might be helpful. If tensions are high among the former members, engaging a neutral mediator to help in a conflict resolution process is recommended.

Genuine change is hard to achieve. It is a slow process in which ultimate gains outweigh the setbacks. Collaboration facilitates change, but will inevitably encounter

roadblocks. Roadblocks signify challenges to be surmounted rather than definitive failure.

9. *How Much Time Do We Need?*
Create a realistic project scope and timeline

One of the problems is that most of us working in the justice system do not have a lot of resources and are already short-staffed. If we're moving towards a collaborative model, where do we find the time and the people while still maintaining what we do on a day-today basis? How can we be included without ending up with a ton of extra meetings? How do we make it workable in the short term so that we can move to the next level where we have a truly collaborative group? I think one of the main challenges facing us is making that a priority.

[Participant, Collaborative Structures Workshops, 2007]

Input into the development of this *Resource* has underlined considerable concern and debate about the resource of time. Key Component #10 considers the overall resourcing of a project, but time must be considered one of the most important of those resources. In fact, with sufficient volunteer time much can be achieved with minimal financial support. It became evident that 'time' should be addressed as key component of collaboration in its own right. This component considers:

- Time as a project resource
- Time as a point of cultural difference
- The value of time for communicating

Time as a project resource

Any project requires time to complete and collaboration is a process in which the investment of sufficient time to reach mutual understanding and agreement is critical. It is incongruous that as global awareness of the need to work together increases, we simultaneously have social conditions in which most of us feel ourselves to be too busy and over-extended. We will all face competing demands;

It is important – but not easy – to find the time to create a foundation of collaborative understanding. A collaboration that fails at the beginning the to make time for this risks encountering problems later on that will take much more time to resolve, or even result in the disintegration of the project.

An action plan with realistic estimates of the time required to complete tasks is also essential. There are some common challenges to be acknowledged when undertaking this task:

❖ Many of us consistently underestimate the time we take to complete tasks. We take on too many commitments, even when not actually pressured to do so.

❖ If we have a poor understanding of the time required to do our own work, we are not readily going to understand the time demands for unfamiliar tasks.

❖ Successful collaboration requires a significant amount of organizing, convening and administration – all work tasks that our society routinely undervalues in terms of skill and time.[66]

❖ Different organizational cultures have varied time-rhythms, expectations and deadlines, and individuals come with different productivity paces and cultural norms related to time.

Consciously recognizing these challenges facilitates an understanding among collaborators about time needed, time available and how to best manage this valuable resource. Some strategies for successfully estimating and managing time resources are:

✓ Make it a habit to time-relate overall goals, process goals, outcome goals, meetings, input requests, feedback promises, and all specific project tasks, from initial communications to project completion.

✓ Regularly review the time-related estimates and make adjustments to the project action plans. If necessary also modify project objectives and goals to what can be realistically achieved.

✓ Have collaborators, from the outset, estimate how much time they anticipate contributing to achieving project goals. Then have members keep note of how much time they actually spend in work related to the collaboration. This will allow accurate estimates to be made and adjusted throughout the project.[67]

✓ Estimate some time for unanticipated tasks. Because collaboration is exploratory it is to be expected that some occurrences or demands will be unforeseen initially.

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[66] This point seems to be borne out by the *lack* of attention paid to time in the theoretical literature, which scarcely mentions time as a factor in successful collaboration. When analysing actual partnerships, Gass (2008) found it to be a major issue for community partners.
[67] A time-investment analysis was applied to the development this *Resource*. Part way into the process it was realized that the CFCJ had not previously carefully measured just how much time report development required. The initial estimate equalled approximately 50% of the time that was actually required.

- ✓ Create funding proposals and budgets that recognize time investments and provide either the financial resources for staff or a clear plan to gain the in-kind contributions of time.

- ✓ Recognize that there can be a tension between the quantity and quality of project work and project process. The choice is not necessarily a simple one – understanding that a choice is being made is the important factor. [68]

- ✓ Set clear parameters for meetings such as:
  - o Prompt start and finish times
  - o Previously circulated Agenda with time allotted to each item.
  - o Promptly circulated Minutes that are detailed enough to ensure accurate representation of issues, discussion, dissent, agreement and required actions.
  - o An expectation that Minutes will be reviewed and requests for changes will be submitted prior to the next meeting.
  - o An expectation that information to be discussed will be distributed and reviewed prior to meetings.
  - o Consistency of representation when possible, with informed Alternates in place and a clear updated overview of the project available to new members.
  - o Chairing of meetings that is friendly, efficient, and firmly focussed.
  - o At meeting closure, a clear summary of agreed action, who will accomplish it, and within what timeline.

- ✓ When input and feedback are required from the collaborators clear instructions, flexible ways to participate, and definite deadlines are all provided.

- ✓ Understand the implications of differing time cultures among the collaborators.

- ✓ To be sure that the time investment of collaborators is fully valued, assign and in-kind dollar figure to the hours contributed and include this is project reporting.

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[68] The *Alberta Self-Represented Litigants Mapping Project* was an example of this. Resources to bring about action in the form of services for SRLs in three regions were available for a short period of time. The conscious decision was made to map all three areas quickly even though it was understood that meant the quality of the research design might not be as good as would be possible with more development time, and that the quantity of services that could be fully mapped would be reduced. Other smaller mapping projects have chosen good quality of information from a smaller number of sources (Malcomson & Reid, 2004, 2006).

Time as a point of cultural difference

There are many organizational and individual cultural differences relating to both time lines and perceptions about time. Some are negotiable and some are not. Unless these differences and the possibilities for flexibility are understood, they will almost certainly lead to friction within a collaborative venture.

- **Organizational time cultures**

A variety of demands and obligations influence the time cultures of organizations (such as fiscal responsibility, mission, government role, funding necessities, bureaucratic rules and processes). Individual collaborators, even those in influential positions, will have little power to change these ingrained cultures. Negotiation and accommodation can be achieved if there is an appreciation of the differing time needs among the collaborators. This is unlikely to be present at the outset of collaboration.

The following factors influence organizational time cultures and present significant barriers to achieving change:

➢ *Fiscal responsibilities*: organizations, large and small, face fiscal timeline imperatives. Even fiscal 'year end' dates vary widely creating considerable difficulties for collaborations where funding is provided from multiple sources and/or shared among collaborating organizations. In the short term, it will probably be impossible to change either process or dates for receiving or reporting on funding, so it is very important that all collaborators clearly understand what these are if they are making any kind of a fiscal commitment.[69]

When conflicting imperatives are recognized it may be possible to negotiate a solution such as: a third party financial intermediary; a financial advance agreement; the acceptance of an interim report, with an extension on the full version; or even a review of rule interpretation leading to a more flexible process. The amount of time required for these negotiations and associated reporting complexities is also a time resource issue.

➢ *Funding imperatives*: The necessity to obtain or assign funding has a strong tendency to drive institutional and project choices.[70] Among these are decisions

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[69] Funding administered through universities is particularly inflexible. Gass (2008) relates a case where lack of understanding of the different imperatives and procedures ended a partnership between a faculty and community representative. The faculty member remained oblivious of the impossible position created for the community organization concerned (p. 27). The CFCJ, tied to university financial procedures, has been in the position of not being able to access project start up funds provided by community and government funders because university rules insisted on a research ethics review first and Gass (2008) relates similar issues. Government contracts and procedures can be inflexible but CFCJ experience suggests that, at times, there is room for negotiation.

[70] Rose & Stratton (2004, pp 23-24) discuss the impact of funding imperatives on the CJSP collaboration. As well as forcing timelines, funding imperatives have an impact on who takes the lead, the scope of the

about time allocations and deadlines. Funding inevitably comes with application and reporting deadlines, some of which are recurring and predictable. Those directly related to project monies and those affecting the available time of collaboration members should be taken into account, when developing action plans.

Other funding opportunities may come up or be withdrawn unexpectedly thereby impacting project timelines. Whether potentially positive or negative to project goals, changes in the funding context will have to be accommodated and may require a review of project goals and objectives as well as timelines.[71]

➢ ***Dictates of roles and mandates***: The role performed by an organization will often influence the time culture. Government, for example, is strongly pressured by political terms of office. Elected politicians have limited timeframes in which to achieve promised mandates and attract re-election. Public service staff are consequently compelled to produce within those timeframes. Other organizations, notably educational institutions, have rigid seasonal time flows for activities. Client demands on social and community workers may peak at times when large organizations are at minimal operation (such as Christmas). These differences shape collaborators' project expectations and ability to participate. Roles and mandates also influence perceptions about the value of various kinds of activities and goals and therefore the time to be invested in these.

The following quotes illustrate the kind of frank dialogue necessary to create understanding:

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project (see key components on "What do we want to accomplish" and resources) and is a major factor in the dynamics of unequal power among collaborators.
[71] The *Alberta Self-Represented Litigants Mapping Project* is previously cited as an example of the unexpected availability of funding to establish SRL services (see Stratton, 2007 and Stratton, 2008).

> *One of the concerns for government is we get focussed on delivering a product in a certain timeline and that puts pressure on our ability to collaborate because we want the job done …. We <u>have</u> to deliver a concrete product in a timely way.*
>
> *Going too fast doesn't necessarily produce a product that is very useful … it can be an embarrassment and problematic for the people who have to put it in place. So probably one of the issues is changing a culture that doesn't value investing time in a good process to get a good product.*
>
> *The time pressures are equally frustrating to [us all] …. It's a very bad way to do it. We know we're not going to get the best product, that if we had two years instead of two months we'd do a better job, but we have no choice. There is only so much time to implement it …. We do the best job we can in the limited time available in order to get the funding over the long term.*
>
> *There's clear consensus among us that lack of time puts pressure on us. That goes a long way I think, to being able to manage this.*
>
> [Discussion among participants, Collaborative Structures Workshops, 2007]

- **Individuals and perceptions of time**

Our understanding of time is socially learned. There are cultural differences within and among countries, between rural and urban areas, related to age and any number of other social context experiences. There are also cognitive and personality differences in the amount of time needed for activities and in how activities are valued. To collaborate successfully we have to recognize this complexity and accommodate each other. A clear agreement on time expectations that balances flexibility and commitment to get the work done is needed.

The value of time for communicating

> *The great advantage of this kind of conversation is that we get a lot of information about managing expectations and being able to walk in the other person's shoes.*
> [Participant, Collaborative Structures Workshops, 2007]

Collaboration can seem time intensive, especially in the early stages of establishing a new alliance. The competing and complex demands on stakeholders' time is a major challenge to a successful collaborative process. But because time is a valuable and scarce resource, a conversation about time issues should be a priority. Time invested in building an effective communication foundation will pay dividends throughout the collaborative process, greatly facilitating project success. Failure to assign and value communication time from the outset is very likely to become a negative cost to the project later on.[72]

Exploring the organizational and individual contexts, expectations, and needs that collaborators have is a very significant part of the discussion about time demands and commitments. Face-to-face interaction is usually most productive. However, video and telephone conferencing can be utilized to include as many members as possible in discussions. The following suggestions can assist communications about time and all other aspects of the collaboration:

- ✓ Convenors design a brief and open-ended questionnaire asking potential collaborators about their objectives, needs and time commitments to the project.[73]

- ✓ For the first meeting, collaborators are asked to summarize organizational mandates, time cultures and values, and expectations for the project. These are circulated among members for discussion.

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[72] Valuing effective communication time entails respect for everyone's time investment. Good communication practice should be agreed and the practices for valuing time as a resource provided at the beginning of Key Component #9 should be followed.
[73] The CJSP and ALSMP projects both used this approach to begin a dialogue with collaborators.

10. *What About Resources?*
Establish the material essentials for success

> *Small organizations are the ones that need the most collaboration in terms of sharing resources if the number of staff is small. They have the least time, resources and probably patience and courage. On the other-hand we have large organizations that are well resourced.*
>
> *There's an assumption that [large organizations have] a vast number of resources … but [in my department] there's just two of us for the whole province …. We have so many other projects on the go, so many other things that draw our attention. So there has to be recognition on both sides.*
>
> [Discussion among participants, Collaborative Structures Workshops, 2007]

Resources to support collaboration (and other endeavours) can be considered as falling into two broad groups:

a) Material (money, goods, space, information).
b) Human (people with time, knowledge and technical skills).[74]

Adequate resources are considered an essential component of community-based action for change.[75] The collaborative network will bring skills and knowledge to the project. Member organizations may be able to offer some material resources such as space and supplies and possibly staff time. Gaining a clear understanding of collaborator contributions is a key step in accurately assessing project resource needs and an important reason to invest time in the process of collaborative communication.

Funds will be required to pay for all material and human resource needs that cannot be covered by in-kind contributions. For this reason the summary direction for Key Component #10 is to "establish the material essentials for success." The goal must be to accurately assess and then attain, every kind of resource required for a successful project. However, full resourcing may at times be the ideal to aim for rather than the reality within which collaboration and action begin. Remarkable community-based initiatives quite often start out with vision, determination and very minimal resources.[76]

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[74] *Information* can be an important resource, but in its raw unapplied form (such as a book) it is merely a tool, useful only when we understand how to apply it to our needs. *Knowledge* combines the abilities to understand, apply and meaningfully convey relevant information to tasks and to other people.
[75] Bradford (2003, p.9).
[76] There are many examples. Particularly interesting because of its durability is "Port Cares" in Port Colborne Ontario (http://www.portcares.on.ca/), begun in 1985 by an isolated, under-resourced

What is perhaps more important is an objective and accurate appraisal of what is available in relation to what is to be achieved.

The realities of resourcing new initiatives are harsh. From global to local contexts, the essentiality of resources to every dimension of life is coupled with inequitable access and control. The result is a world-pervasive climate of competition and conflict. Increasing recognition that these conditions are detrimental to social well-being is promoting interest in collaborative alliances, which must nevertheless form in a resource-competitive milieu. Currently few, if any, funding sources can be considered stable. A frequently expressed frustration of collaboratives is that foundational research and/or pilot innovations are abandoned despite having demonstrated value. These are the circumstances within which we work for change and the risks to be weighed against the benefits of undertaking a project. A pragmatic understanding of the degree of challenge and emotional investment involved will generally act to strengthen collaborative resolve.

Asking and answering the following questions will aid in assessing resource needs and availability:

➢ Do we have the time[77] we need to achieve our goals and objectives? This includes time for:
  o Good collaborative communication.
  o Preparing for, attending and following up on meetings.
  o Sharing skills and knowledge related to the project work.
  o Conducting actual project work, including convening and administration tasks.

➢ How many of our resource needs can we meet with in-kind contributions? Such as:
  o Staff seconded or assigned on a special project.
  o Space for project meetings, staff and other activities.
  o Office supplies (furniture, computers, stationary, telephones, etc.).
  o Financial management.

➢ How much money do we need for essential human and material resources we cannot provide in-kind?
  o What funds do we have currently available?
  o Where might we get additional funding?
  o At what point in the project will these funds be needed?
  o What are the consequences if we are unsuccessful in attaining projected funds?

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community with a lot of grass-roots enthusiasm (as many as 50 committee participants at times) members obtained a $12,000 grant and changed the service accessibility landscape. More than 20 years later the organization remains community-based and retains its original mission. The founding report, *The Power of Caring*, is available from Mary Stratton (mstratto@law.ualberta.ca).
[77] Time is an important and multi-faceted collaborative resource discussed in detail in Key Component #9.

- Are the contributions to, and benefits from, available resources equitably distributed among the collaborators?
    - Have we taken into account relative ability to contribute (time, in-kind materials, funds)?
    - Does our estimate for needed resources allow funds to support stakeholders without funds to cover participation costs?
    - Are some stakeholders placed at more risk than others? If so can we improve on this situation?

Finding Resources

Resource possibilities will vary widely, dependant on many factors. A major strength of collaboration is that it facilitates ways to match and coordinate existing needs and resources and promotes stronger proposals that attract funding from multiple sources. As well as exploring the full potential of funding available from familiar justice sources, there may be opportunities for additional money from outside of the justice community. Some suggestions are:

- ***Government funding from other ministries***. Access to justice and the effective operation of justice systems intersects with many social issues (family, disability, employment, Aboriginal concerns and much more).[78] These intersections are not readily recognized outside of the justice community, but the increasing availability of socio-legal research that illustrates these associations will assist in making a strong case to governments concerned with related programming and policy.[79]

- ***Academic partnerships***. Partnerships with university faculty members can open the door to applications for significant research funding. Law faculty are among those eligible for funding via a range of grants provided through the Social Sciences and Humanities Council of Canada (SSHRC), which also offers a small number of grants open to direct community application.[80]

    Additionally, professors involved in university research institutes often welcome community partnerships with small academic or community grants that create paid research positions for graduate students. In these arrangements the professor supervises the student making such opportunities cost-efficient ways to get research

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[78] For a detailed discussion of some of these intersections see *Research Priorities and Potentials* (Stratton, 2008)

[79] Notable in Canada is the work of Ab Currie (2006, 2007). Many of the reports included in the Annotated Bibliography of this *Resource* will be useful and staff at the CFCJ will be glad to assist in identifying useful sources for specific projects.

[80] The CJSP is an example of SSHRC funding to a Community organization via a Community-University Research Alliance (CURA) grant. A smaller, Northern Research Development Grant supported additional CJSP work in Nunavut. There are two other academic funding bodies: the Canadian Institutes of Health Research (CIHR) and the Natural Sciences and Engineering Research Council (NSERC) (Although less likely funders, a project involving health or environmental issues might find a partner eligible for these grants).

advice and assistance. Other programs, especially in colleges, require student work placements that may be able to provide some free basic administrative or technological assistance.

➢ *Foundations* concerned with social issues are often overlooked as a source of funding for justice projects, but are well-worth investigating, although this will require some initial research to identify relevant opportunities.[81]

➢ *Businesses* sometimes have funds available to support research or community projects. It is important when seeking any form of funding to ensure the autonomy of the collaboration is retained, and this is perhaps a particular consideration when involving for-profit organizations. Nevertheless, many businesses are interested in justice-related issues and it is worth considering the possibilities.

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[81] An initial Google search using< Law +family +foundations +Canada > produced 129,000 results. A more focussed inquiry would hone in on Foundations of particular relevance to a project.

11. Is This Collaboration Egalitarian?
Negotiate the dynamics of power

> *There remains the fundamental imbalance in the resources and responsibilities assigned to … key actors in convening and organizing partnership processes.*
>
> [Bradford, 2003, p.68]
>
> *I'm paid to do this (even though the organization's funds are limited), but people are coming to the table and they don't have that same luxury that I have. So how do you recognize all of that? How do you talk about that? How do you address that? Because otherwise it creates tensions. And so, again, it's about sharing that responsibility and people feeling that whatever they can contribute is meaningful.*
>
> [Participant, Collaborative Structures Workshops, 2007]

Power dynamics exist within any group. Territorial and individual inequity is a condition of society. Systemic and resource differences exist between and within groups, organizations, cities, towns, provinces/ territories and countries.[82]

In this social context it is unlikely that any meaningfully representative justice community collaboration could be fully egalitarian. Added to this, relational power is entrenched within both justice system organization and process. Parties do not come to the table on equal terms but with wide differences in available resources. But, collaborations for change must work within current contexts involving *all* relevant stakeholders, no matter the initial tensions. For these reasons most of the Key Components in this *Resource* link, at some point, to this important discussion of power dynamics.

The justice community is dedicated to providing a means to address systemic and individual injustices - the core of access to justice. Because of this, the tensions between that mission and the system organization likely provoke clearer recognition of inherent power inequities and the need to manage these in collaborative ventures.

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[82] Robert Chambers (1997) provides an excellent discussion of power dynamics that is very relevant to recognizing knowledge and experience hierarchies. Bradford (2003, p.68) speaks to territorial inequities and the importance of involving all levels of government, noting:

> *Any benefits from the community based approach to innovation are unlikely to materialize when cities find themselves struggling just to meet their traditional responsibilities in areas of infrastructure and property servicing. In these conditions, it is unreasonable to expect local officials to lead, or even participate fully, in innovation projects. Comparative research shows that this problem is more pronounced in Canada than in Europe or the United States.*

He is raising an important consideration in understanding stakeholders' roles and circumstances. However, I would challenge his contention that community-based innovation will not materialize in these conditions. I cite the example of Port Cares, given in Key Component #10 at footnote 76.

Acknowledging power dynamics at the beginning of collaboration and collectively assessing where inequities lie is the most effective way to find solutions.[83] Imbalances of power that are not addressed are identified as a significant cause of conflict.

Assessing Inequities

Asking and answering the following questions will assist groups to determine the various kinds of inequities that may impact the collaborative process and its goals.

- ❖ Are there inequities in the *global, national and local social conditions* that are beyond the power of this collaboration to alter but are likely to pose challenges to the collaborative goals?[84]

- ❖ Do collaborative members have different *financial resources* for participation?

- ❖ Are some stakeholders specifically tasked with *participation* as part of their work, while for others involvement takes them away from tasks essential to the survival of their organization or the well-being of service users?

- ❖ Are some collaborators at a disadvantage because of inequities in dominant language *culture* and/or perceptions about *social status*?

- ❖ Are some collaborators very familiar with *justice system organization*, culture and language while others are not?

- ❖ Are there other aspects of the initiative where only some members hold all the *technical knowledge* and power?

- ❖ Are some collaborators in direct *superior-subordinate* relationships professionally?

- ❖ Are there *other power relationships* where negative reprisals may be a risk of advancing critique that needs to be on the table?

Once areas of inequity are identified, ways must be found to address them. Equalization is clearly the most desirable, but often unattainable solution. Ensuring equitable participation will require creative approaches tailored to each situation.

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[83] See: Parkinson (2006, p.11); Collaboration Roundtable (2001, p. 99).
[84] This inequity is essentially related to time as a resource.

Creating Equity

Many, and possibly all of the inequities listed above are likely to be present among a representative group of justice community stakeholders.

The first step has to be honest, transparent communication to identify concerns and discuss implications. Dialogue will help to identify solutions. It is helpful if those with more power are the ones to volunteer recognition and seek input on how to address the dynamic. Alternatively, a chosen or neutral leader/facilitator can lead the discussion by pointing out the dynamics to be addressed. If this approach is taken it is advisable for the facilitator to inform the various parties ahead of the collective discussion about the issues that will be raised.[85]

> *[Collaboration] shifts power to the process, creating … the necessary balance of rights and freedoms between the participants. There is equality of legitimacy and value in inputs from all those involved, whether suggestions entail large- or small-scale changes. This combination of controlled abrogation of power by those with whom it usually rests and the concomitant empowerment of those in a [subordinate] role, serves to create a sense of collective ownership.*
>
> [Bradwell & Marr, 2008, p.17] [86]
>
> *Government is the last of the highly structured, highly organized, pyramidal, hierarchical work places, and there are tremendous barriers to communication and a lot of it is culture. I think that it… [is] extraordinarily difficult [to] get people empowered when they have been used to being directed .... I think the messages have to come from the top and certainly I have tried to do it by being open and by trying to empower people. But it is so difficult within the structure where you have an awful lot of people who have responsibility without authority.*
>
> [Judiciary, *Civil Justice System and the Public*]

Drawing on justice community collaboration experiences, the following are some suggestions to address noted areas of inequity. Ultimately, however, creating equity will require innovations that are specific to each collaboration.

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[85] Anyone taking on this role will want to also consider Key Component #12 on how to deal with conflict.
[86] The original quote uses 'co-design' rather than 'collaboration'; however, the authors earlier state "co-design is collaboration" (p.17). Similarly, I have substituted [subordinate] where the authors referred to the client role, with the same implication.

➢ *Inequities in the global, national and local social conditions*

Structural inequities are part of the collaboration context. Assessing how these may impact the project goals and process might be all that is possible. Although usually slow to respond to focussed efforts for change, structural conditions can sometimes change quite suddenly and with an impact that was not possible to foresee.[87] Other variations in social conditions, such as changes in elected politicians, are periodic and can be anticipated. There are ways in which an assessment of social conditions can be applied to strengthen a collaborative:

✓ Identify ways in which the project goals have the potential to address inequitable social conditions and gain collaboration from related social sectors beyond the justice community.
✓ Look for national and local funding concerned with related social conditions as well as the justice concern involved.

✓ When governments are involved as collaborative partners, establish strong relations with key public servants who are more likely than elected politicians to be available for long-term involvement.

✓ Ensure the inclusion of representatives from groups most disadvantaged by structural inequities.

➢ *Disparity in financial resources for participation*

This inequity, once recognized, is quite straightforward to address: provide funds to allow participation. There are a number of considerations:

✓ Funding applications need to build in a suitable amount specifically allocated to providing financial support for equitable participation.[88]

✓ The kind and degree of support required must be determined (this could be bus fare, child care, technical equipment for distance participation, travel expenses for in-person meetings, funds for replacement staff time, and other needs).

✓ If funding is limited or not available, can in-kind collaborative solutions be found (such as carpooling, sharing technological equipment for distance participation, rotating the sites of meetings, providing in-kind or volunteer staff replacement or childcare, etc.)?

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[87] At the time of writing, the current global financial instability is an obvious example that affects us all but which we have no power to change. Conditions do not actually change overnight of course, but failure to enact timely change precipitates a critical breaking point and drastic responses.
[88] Some funders are more open to this than others, but the CFCJ has found increasing recognition of the need for this kind of support when the case for it is made.

➤ *Disparity in capacity to devote time*

As Key Component #9 discusses, time is a valuable but complicated resource that is influenced by time cultures as well simple availability of staff. For a variety of reasons more of the collaborative work may fall to some individuals. This may be desirable as long as the contributions are recognized, agreed upon and valued by the collaborative as a whole. The following are checkpoints to ensure that work is assigned within appropriate time capacities:

- ✓ Assumptions are not made about the time any stakeholder has available to devote to the collaborative project.

- ✓ Time required for administrative, convening and other work specific to the collaboration has been calculated and assigned to willing collaborators or paid staff (preferably the latter).

- ✓ Where representatives are specifically tasked with participation as part of their work, it is also remembered that it is not all of the work they must do.

- ✓ If possible, replacement staff have been arranged when this facilitates the participation of organizations with few resources.

- ✓ Disparities in time actually needed to get to a meeting have been recognized and addressed by allowing participation at a distance and/or by rotating meeting locations as is appropriate.

- ✓ Tasks are linked to accurate estimates of time-commitment with clear deadlines and are assigned by agreement among the collaborators.

- ✓ It is always remembered that each collaborator's time is of equal value.

➤ *Social and cultural inequities*

While we may not be able to change social inequities in the world at large, we can certainly address them within a specific collaboration. Respect for each other and sensitivity to the assumptions and prejudices that to some degree we all have is the key to this. The following are some points to remember:

- ✓ Make sure that the collaborative understands who each collaborator is and who they represent.

- ✓ Be aware of which culture and language dominates the collaboration and sensitive to the communication disadvantage this can create for participants from other cultural backgrounds. Do anything possible to decrease this disparity:

- if material is easier to understand in writing, use PowerPoint or flipcharts for key points;
- if interpretation would be helpful try to arrange this;
- if there are cultural differences in how meetings/discussions are conducted, have non-dominant cultures organize and lead at least some meetings;
- allow time for people using a second language to collect and express their thoughts and encourage them to ask for repetition or clarification of something they don't understand.

✓ Everyone has valuable knowledge to contribute; this is a key philosophy of collaboration. When we are socially disadvantaged we are routinely treated as if we are not valuable. This is a major reason why users of social services can be reluctant to become collaborators. Confidence can be built within a collaborative that is consistently encouraging, valuing and supportive.[89]

✓ Remember that while formal education can help us with technical skills like reading and writing, it does not necessarily equate with greater intelligence or knowledge. Make materials and discussions accessible to everyone.

✓ People with disabilities may need special equipment or materials to participate fully. Their knowledge and experience is of great value but frequently excluded due to a failure of others to recognize the physical, social, and/or cognitive barriers to participation.

➢ *Disparate knowledge power*

For the reasons provided in the previous point, cultural and social inequities tend to result in disparities of knowledge power, many of which are more perceived than actual. Justice community collaborations often have additional knowledge disparities that can easily be overlooked because they are a product of legal culture rather than of social difference.

> *It's a system. So the people that get in that system become so ingrained in all of that that they don't realize that their clients are coming from outside of that system and don't understand the jargon or the general policies or way they do things. And the workers within the system get offended because the person they are dealing with isn't responding as they should. But that's because they don't understand at all. What do they expect? They sort of function on two different levels.*
>
> [*Civil Justice System and the Public*, Court Security]

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[89] See Chambers (1997), *Whose Reality Counts?*

Some collaborators will be very familiar with justice system organization, culture and language. Others will not understand how the system is supposed to work or what legal words and terms mean. They will, however, have insights on barriers to access and what needs to be done to remove these.

Other members (such as social researchers and technology experts) may hold all the knowledge and power in their area of expertise and be the only ones present who understand the related technical terms.

These kinds of knowledge disparity are both simple and rewarding to address:

✓ Collaboration means sharing our different learning so that together we can create a new and more effective kind of knowledge.

✓ Every collaborator must make it a habit to use plain language, explain technical terms, and ask for and offer further explanation whenever it is needed.

➢ *Superior-subordinate power relationships*

Within representative justice community collaboration, direct or indirect superior-subordinate power relationships are inevitable. In such a relationship one party (usually, but not always the subordinate) is at risk of negative consequences for expressing a position on controversial issues and/or voicing critique. Some examples are:
   o Funders and those who receive funds
   o Members of the judiciary and anyone who may appear before them
   o Service providers and those who evaluate services
   o Management and front-line staff of any organization
   o Service providers and service users

Discussion relevant to understanding these power dynamics is included in Key Component #7, especially in the section *who is and is not collaborating*. Finding ways for meaningful collaboration that can bridge inequities in resources and power is challenging, but essential. CJSP findings underline issues of communication across system hierarchies. Drawing on this research, the following section looks at possibilities for challenging these barriers. [90]

Challenging Communication Hierarchies

In 1996, the Task Force on Systems of Civil Justice emphasized the importance of effective dialogue for access to justice in the 21st century, specifically recommending the

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[90] Some material for this section derives from *Challenging Communication Hierarchies*, a CJSP related panel discussion held at the ACCA Learning Event 2005. Panellists included representatives from the judiciary, the Bar, court management, registry staff and the CFCJ.

establishment of broad stakeholder advisory committees, including the public.[91] Moving from that idea to practice, means confronting the challenges of communicating across and within justice system hierarchies, some of which are necessarily raised in the context of each of the Key Components of this *Resource*.

The first question that must be asked is:

> *Is it even possible for all the stakeholders to meet and have meaningful dialogue when these power dynamics are present*?

Based on our experience to date, we believe the answer is 'yes'. It is possible and there are multiple examples of it occurring in a variety of ways.[92] The dialogues that take place are highly valuable. It is, however, definitely an imperfect work in progress, which is neither easy nor comfortable. With practice it may become easier, but it seems likely that superior-subordinate power dynamics will always be a factor influencing full contribution in this kind of group interaction.

On the class structure within the courthouse? Do the judges communicate enough with the support staff, the administrative staff? I don't think so. And I think it is just because nobody has bothered to see how we could do that better. I am a great one to believe that the more lines of communication you create within the hierarchy then the better off everybody seems to do their job. I don't see innovative ideas around me so far to try and put that structure in place.

[CJSP Participant, Judiciary]

When you're not involved you don't know what's going on .... There is [a new rule] .... We weren't consulted at all that I know of. They had hoped it was going to handle or save a lot of court time. It hasn't.

[CJSP Participant, Court Registry Clerk]

Courts are great places for attitude. I work at this part of the court, I work there, I'm better than you. Petty, childish wastes of time. We are all here for a common cause. At least, that's what I think we're here for. We need a little reality check every now and again. I'm as guilty of it as anybody else …. We're just ordinary people.

[CJSP Participant, Court security officer]

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[91] Specifically, Recommendation 29 of the Task Force is that: every court establish an advisory committee composed of members of the public and others involved in the civil justice system for the purpose of obtaining advice on (a) ways to improve the administration of civil justice; (b) reducing or removing barriers to access, and (c) implementing, evaluating and monitoring reform measures.

[92] The examples of justice community collaborations used throughout this Resource have brought together large cross-sections of justice stakeholders, although not always in the same room at the same time. As noted in Key Component #7, judiciary, service users and front-line service providers are the groups most often absent from broad stakeholder meetings.

The second question to ask therefore is:

> *Are there alternatives to full stakeholder meetings that will allow full and safe collaborative input from everyone?*

The answer to this is 'yes' - there are many ways to gain collaborative input from stakeholders outside of meetings.

A third question then arises:

> *If collaboration can be achieved without bringing all stakeholders together, why take on the harder task?*

This answer is more complicated. Possibly, some projects can achieve collaborative goals by gaining individual input from a representation of stakeholders without direct interactive knowledge exchanges among collaborators. Keeping the larger community informed of the project purpose and outcome may be all that is needed to mobilize this new knowledge.

However, when the ultimate goal is action for change, a venue to share perspectives on how to accomplish this is almost certainly necessary. When achieving the goal entails working together (such as a coordinated services model) then face-to-face interaction throughout the project process is indispensible to success.[93] Experience so far suggests that good practice is to develop a collaboration plan that combines in-person dialogue among all relevant stakeholders at various points in the project process, with alternative avenues for individual and smaller group input.

Justice collaborations are still very new ventures, but great teachers! The following suggestions are drawn from lessons learned so far in three approaches to challenging communication hierarchies:

- Communicating *within* the hierarchy
- Communicating *across* the hierarchy
- Communicating *around* the hierarchy

- **Communicating *within* the hierarchy**

Collaboration involving dialogue among all relevant stakeholders means that the hierarchy of justice system relations is present within the room. Power dynamics will be present and inevitably impact what is and is not said. This form of collaboration often

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[93] For example, a project to develop a new PLEI material needs stakeholder input - especially from users - but not necessarily large group meetings. But, if the goal is to coordinate the development and delivery of PLEI then dialogue has to take place among all the stakeholders involved. Another example is the CJSP where most data were gained through individual e-mails, interviews and small group settings. Findings were shared via CFCJ-driven disseminations, but action for change following from this research has required developing large interactive collaborations.

opens eyes and doors to change. Participants can find these opportunities exciting and rewarding, but they do always entail some risk for participants. The following suggestions can help to build understanding and trust, and maximize the constructive value of this form of collaborative communication:

- ✓ Give careful thought to who the participants are. When asking for organizational representation, suggest participants known to work well with others. The success of communication within the hierarchy depends heavily on the open-minds of participants.[94]

- ✓ Pre-brief all participants (including the facilitator) about the project, purpose of the dialogue and the communication expectations.

- ✓ Talk individually with participants who may be in direct superior-subordinate relationships about what they need to feel comfortable in this setting and what the confidentiality and communication protocols will be.[95]

- ✓ Once participation is agreed, make it clear that last minute alternates are not acceptable.[96]

- ✓ Have a collaborative and neutral facilitator lead the event. Ideally the facilitator should be familiar with the justice system, but not 'belong' to one of the institutional collaborators.[97]

- ✓ A broad stakeholder group will include representation from Aboriginal peoples. Ask for their expert help in developing egalitarian discussion approaches (such as room arrangement, ensuring a hospitable welcome, who speaks and when).

- ✓ Have designated note-takers and ask permission to audiotape the dialogue to ensure accurate reporting. When the issues to be discussed are new or controversial it may be helpful to participants to be able to reflect on a full transcript of the conversation. This also becomes a tool for further individual input not voiced at the meeting.

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[94] CJSP focus groups attempting full representation had mixed success. One group included representation from a chief Judge, private Bar, legal aid and Court Services management and front-line staff, court security, community clinics and more with great success. At other locations, participants told us they wouldn't have spoken out if certain representatives had been present.

[95] We found this to be very important for the CFCJ focus groups and panel events. Justice community roles come with communication protocols that are so standard they pass unnoticed most of the time. For example, in court no one interrupts a judge who is speaking and opposing lawyers aim to 'win' their own point against the other. Neither protocol works for a collaborative dialogue.

[96] It is the CJSP experience that inserting an uninformed person into a group at the last moment is difficult at a minimum and can be extremely disruptive. A fully prepared alternate, agreed as a possibility from the outset is acceptable.

[97] The collaborative needs to decide who is suitable. Some possibilities would be: a law professor; a mediator, a justice community member from outside of the local collaboration, collaborative researchers with focus group experience.

✓ Always remember that every perspective is an important component of holistic understanding and effective change. Each contribution is to be treated with equal respect.

- **Communicating *across* the hierarchy**

Sometimes, rather than involving every stakeholder in a dialogue, it can be especially productive to have discussions that involve just two or three stakeholder groups where the power relations are either equitable or neutral. Practices described for communications within hierarchies remain relevant for across hierarchy discussions.

Some examples of the across hierarchy approach are:

✓ Informed members of the public (such as previous litigants) discuss issues with representatives of the Bar and Judiciary (such as Benchers and administrative judges).[98]

✓ Direct discussion between service users and service providers. Dialogue involving *former* litigants, offenders and witnesses is probably most viable. Current or potential users often fear offending individuals who may have power to decide entitlements.

✓ Government, poverty law, and private Bar lawyers applying their differing perspectives to Rules of Court and process aspects of access to justice.[99]

✓ Judiciary and senior court services management from different courts working together to break down unnecessary hierarchical barriers within the system.

✓ Creating tiered collaborative committees that feed into each other is a good way to reduce direct superior-subordinate power dynamics. Such a structure is also necessary in very large collaborations.[100] Reports from working groups among peers is a variation of this approach, which avoids the identification of specific individuals when offering collective conclusions.

- **Communicating *around* the hierarchy**

Interactive communication should be encouraged at every possibility because it is ultimately essential to action for change. However, within the system hierarchy some people always feel vulnerable in mixed group settings. Front-line staff are constrained

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[98] At the request of public participants in the first CJSP follow-up focus groups, representatives of the Law Society were asked to attend with great success.
[99] In Alberta, the Alberta Law Reform Institute took a collaborative approach to making Rules changes, including holding public focus groups (see Billingsley et al (2006) for an overview. A case study report is forthcoming). In BC, an extensive consultation approach was taken to gaining stakeholder input concerning Rules changes.
[100] Examples of this type of collaborative structure are previously provided: JPAC in Key Component #1; ALSMP in Key Component # 7.

from offering critique about management practice and the judiciary hesitates to comment publicly. The smaller a community the greater the constraints for all parties. Creating safe avenues for frank contribution is essential. Some possibilities are:

✓ A confidential, ethically reviewed research process, conducted by independent interviewers, who provide reports that identify issues and recommendations but do not reveal individual identities.[101]

✓ A process for submitting anonymous written input, which can be mailed in or dropped off in designated boxes. This works well in large organizations, but it disadvantages people who have a cultural preference for oral communication, or who do not have strong writing skills in the dominant language.

✓ A process for providing confidential individual input. This requires either employing a neutral facilitator for this purpose or identifying someone who is highly respected and trusted throughout the stakeholder community.

✓ Using an advocate to represent the interests of a stakeholder group at interactive discussions. This is a useful first step in involving service users. It can bridge hierarchies in organizations where some roles are specific to this function (such as union, or health and wellness representatives).

- **An electronic caution**

Electronic communications are neither anonymous nor securely confidential. This must be remembered when deciding formats for sensitive communications. Unfortunately, CFCJ experience is that this is often not recognized, including in academic settings expected to observe rigorous ethical protocols.

E-mail communications are easily traceable to the sender and in organizational settings routinely accessible to management and IT personnel. Electronic survey formats should also be used and responded to with extreme caution. These formats are only protected if full security protocols are activated and these may not even be present in free versions of such software.

Electronic communications are convenient and most often helpful and trustworthy. Nevertheless, before entering into sensitive communication via these media it is advisable to look carefully at the origin, intent, and ethical and security protocols provided.

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[101] Universities and some organizations have research ethics protocols in place, but any collaborative can decide on a set of ethics. Canadian granting council guidelines (currently undergoing final review) are available at: http://www.pre.ethics.gc.ca/english/pdf/newsandevents/TCPS_Dec_4_en.pdf.

12. *How Do We Deal With Conflict?*
Acknowledge and resolve points of tension

On the turbulent waters of the river Collaborative.
[Participant, Collaborative Structures Workshops, 2007]

Change is about addressing tensions and conflicts. Initiatives to improve access to justice must engage with difficult social issues and inequities. If there were no problems change would be unnecessary. Add to this that collaboration is a new way of getting things done and some turbulence should be expected.

Almost everyone finds dealing with conflict stressful and managing it well is definitely a life-long learning project. Good communication techniques are the core recommendation of business and self-help resources on conflict management. Communicating well in the middle of conflict is, however, very difficult and collaborative analysts are blunt about both the challenges and importance of having a conflict resolution process in place. Bradford (2003, p. 69) states "tensions will not be resolved in the abstract, or even through talk, however inclusive the conversation. Rather, action, experimentation, monitoring, and learning" are needed, calling for "a kind of patience and persistence that is not always available in policy communities, much less in the political universe."

Understanding the Reasons for Conflict

Conflict tends to manifest as a disagreement between individuals and therefore feels very personal. When we feel attacked our instinct is to defend ourselves; a reaction that is liable to escalate the tension. In fact, the core problem is often about practice and not personality differences. The root of the tension is a product of the system that we all agree needs to be changed and not about us as individuals. Todeva & Knoke (2005, p.134) conclude that conflicts and misunderstandings are inevitable because collaborators "face serious challenges turning their good intentions into a viable enterprise at all levels from routine activities to strategic policies." Understanding this and de-personalising the problem is a key step to working out a resolution.

Common reasons underlying conflict are:[102]

❖ Collaborators and the organizations they represent must master new skills, especially in coping with lateral-vertical complexities of collaborative-organizational relationships.

❖ Usual authority lines are supplanted and the resulting process or system can seem comparatively disordered. Representatives delegated by an organization may be uncertain who is in control and has final decision-making authority.

❖ Insufficient thought has been given to selecting and informing collaborative leaders, representatives, and other liaison persons.

❖ A sustainable foundation of trust has not been built because insufficient time has been given to overcoming initial histories and/or perceptions of competitiveness and rivalry.

❖ Unequal capacities and power imbalances are not recognized and addressed.

❖ There is too much exposure to unmanaged risk, especially early in initial alliances among inexperienced collaborators.

❖ Collaborators' contributions are not equally recognize and valued, especially if one member takes credit for the work of others.

❖ Unanticipated uncertainties, ambiguities, and disputes that inevitably surface during daily operations, no matter how careful the planning.

❖ During the process of collaborative and project development, one party has acquired ultimate power over the outcome, but opinion is divided on whether this is beneficial.

Establishing a conflict resolution process

Every collaboration should anticipate some degree of conflict. It is important to make this expectation clear and an agreed process for resolution should be part of the collaborative agreement. The process of establishing a conflict resolution agreement will help to increase understanding and build trust. It is, however, only the first step in resolving actual conflicts. The following example of a conflict recognition and resolution statement, taken from the ALSMP *Project Charter*, presents stages of resolution.

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[102] Todeva & Knoke's (2005, pp.134-135) discussion on these issues in a business alliance context is helpful in understanding the systemic routes of conflict. Bradford (2003) shines the light on the political-policy development aspects.

Conflict Resolution Process

Conflict is a natural occurrence in any collaborative endeavour. In fact, any effective "team" *is expected* to experience some elements of conflict, because the purpose of collaboration is to bring together different perspectives and ideas, collaborators have differing mandates and goals, and individuals have unique personalities, roles and motivations. The two main forms of conflict are:

Organizational - Organizations will have different mandates and operational styles. Organizations are encouraged to share with each other their requirements, goals, and restrictions, and to negotiate shared goals and approaches that can assist the Project.

Personal - Individuals also have different personal styles and goals. It is important that every individual feel comfortable expressing their opinions and ideas openly and honestly. It is important to maintain a respectful collaborative environment in which every individual is treated fairly and given equal voice.

These differences are invaluable to the success of any collaborative venture. The potentially advantageous products of conflict can be lost, however, if conflict is not managed effectively to ensure that working relationships are maintained. For this reason, the Collaborators agree to the following processes for addressing conflict:

   a) If any challenges or conflicts arise which the parties are unable to resolve between themselves, they are encouraged to bring their concerns to any one of the Research Directors or the Forum's Research Coordinator.

   b) The Research Directors or Research Coordinator will seek a resolution to the conflict on an informal basis, in collaboration with the parties involved.

   c) If a resolution cannot be agreed upon, an outside professional mediator may be called upon, with the agreement of the parties involved and the Forum, in its role as Project Administrator.

The resolution process begins with the expectation that parties in conflict will first attempt to solve the problem themselves. The next step is to seek assistance from agreed upon collaborative leaders. Outside facilitation is a last resort. This means that all collaborative members need to be aware and work on conflict management skills – always a work-in-progress. If we are willing to seek solutions we will find them. The following practices are helpful:[103]

   ✓ Manage overt conflict immediately. One of the people in conflict, or a third party, needs to calm the situation and establish rational discussion.

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[103] These suggestions are drawn from a variety of sources. Collaboration Roundtable (2001. pp.98-102) offers a variety of tips and suggestions about conflict resolution.

- ✓ Create appropriate and sufficient time and space for a full resolution process. Arranging to meet soon, but not immediately, to further explore the tension is usually beneficial.

- ✓ Resist reacting defensively. Instead slow the pace of discussion and ask questions that seek clarity about the issues and potential solutions to the problems.

- ✓ Be aware of your own and other parties' perceptions, feelings, values, beliefs, fears, concerns, assumptions and expectations.

- ✓ Re-frame the problem into an "appreciative inquiry" that depersonalizes the conflict, states an issue not a position, explores what underlies the tension, aims to expand thinking and focuses on strengthening collaboration.

- ✓ Revisit the language and concepts that have been used and ensure that there is shared understanding.

- ✓ Separate individuals from organizational dynamics, limitations and constraints.

- ✓ Separate out different issues that have become tangled into the conflict and address each one.

- ✓ Recognize the strengths and contributions of those involved in the conflict (other than your own).

- ✓ Be willing to own a part of the problem, ask what needs to be done to solve it, and also offer possible solutions.

- ✓ Identify and build on common ground.

- ✓ Decide if an immediate resolution can be reached that achieves closure on this conflict, with positive changes for all parties.

- ✓ If closure is not obvious and immediate, construct a resolution action plan with specific goals (such as researching the bigger picture or alternative approaches, reflection time, acquisition of new skills, seeking a mediator).

It is also important when assessing required resources to make provision for outside conflict mediation if it becomes necessary. This is new ground, but it is worth making a case to funders that it is a sensible investment to fund this last-resort cost for collaborations, thereby supporting successful outcomes.

In the unfortunate event that a conflict is impossible to resolve, the overall collaborative agreement should ensure a mechanism that allows a member to withdraw; or that dissolves the collaboration honourably, acknowledging accomplishments and

celebrating successes. This is especially important as the root of collaborative conflict is so often a systemic rather than individual issue. The collaborative network may be strong but the project goals derailed by matters beyond the representatives' control.

13. *Is This Collaboration Working?*
Create an assessment and evaluation plan

Collaboration pushes ahead, it pushes the boundaries, new questions come up, sometimes new roadblocks; feelings of frustration and dissatisfaction that not all have an understanding of what collaboration is and does …. Where should it start? How do other people feel about the progress? …. Is it really effective? Could it still be better?

[Participant, Collaborative Structures Workshops, 2007]

Collaboration also creates murky accountabilities – is a fall in crime due to the local authority's neighbourhood wardens, a new policy from a local housing association or more effective police action, or a combination of all three of these? And who gets the blame when something goes wrong?

[Parker &Gallagher, 2007, p.18]

Collaborative evaluation is planned and carried out by a committee of people representing the groups that have contributed to or stand to benefit from … [an] initiative …. By working together in collective inquiry, members of an evaluation committee will develop decision-making skills that they can also apply … in other situations.

[Jurmo & Folinsbee, 1994, p.9)

Increased interest in creating an evidence-base for policy and program development has also amplified stipulations by funders that project proposals include needs assessment and project evaluation components. An ongoing assessment process is in keeping with collaborative principles as stakeholders working together want to know that their initiatives are successfully meeting identified needs.

Collaborative assessment approaches differ from traditional evaluation in a number of ways. This Key Component considers:

- Traditional versus collaborative assessment and evaluation
- Important factors in assessing project outcomes
- Assessing the collaborative process

Traditional versus collaborative assessment and evaluation

> *Too often, evaluation has been seen as a burden imposed by funding agencies, done by an outsider with limited understanding – or interest in – the initiative. Those who have invested time and other resources in the initiative are unlikely to know, until after it is over, what it is achieving and how they might strengthen it.*
>
> [Jurmo & Folinsbee, 1994]

The above quote defines the experience of traditional evaluation familiar to many community and organizational service providers. The unfortunate consequence is that the suggestion of an evaluation can be regarded with hostility by those who have both the most to contribute and the most to gain from an appropriate assessment.

A method that positions an outsider as the 'expert' appointed to pass judgement on an evaluated group is a strategy rooted in a fear-based perspective. It assumes and contributes to an antagonistic climate with negative power dynamics and a lack of shared understanding. The fear comes from the fact that change and innovation (supporting new programs) always entails risk of failure for funders, providers and users of an initiative.[104]

Collaborative evaluation seeks to recognize and share understanding about the risks to various stakeholder groups within a framework that seeks ultimate success rather than focussing only on current shortcomings. Instead of considering evaluation a pronouncement of merit and worth on an end product, it conceptualizes a continuous practice of assessment, integral to both process and outcome objectives, and of equal importance to collaborators, policy makers and funders. Periodic assessments are scheduled within the action plan. These begin with an assessment of the needs that the project intends to address and continue beyond project completion, following continued outcomes of both the project and the collaboration.

Trochim (2006) suggests that a collaborative evaluation culture would benefit 21st century society. In his vision, evaluation becomes one expression of the collaborative commitment and manifests the following qualities:[105]

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[104] This analysis of what lies at the base of traditional evaluation strategy was first presented by Mary Stratton at the PLEAC Conference (2004). Hierarchical, antagonistic culture exacerbates the negativity of this approach. For more discussion on risk and power dynamics see: Who are the collaborators?; What are the risks?; and, Is this collaboration egalitarian?. *Creating Collaborative Assessments: Evaluation as Celebration and Inspiration,* a forthcoming CFCJ publication, will take a more detailed look at the different kinds of risks involved for funders, providers and users as well as at other issues raised in this Key Component.

[105] Full details at: http://www.socialresearchmethods.net/kb/evalcult.php.

✓ Action-oriented - actively seeking solutions to problems.

✓ Teaching oriented - emphasizing the unity of formal assessment with everyday thought.

✓ Diverse, inclusive, participatory, responsive and fundamentally non-hierarchical - bringing together a wide range of resources, talents and insights to identify solutions to systemic and interconnected problems.

✓ Humble and self critical – openly acknowledging limitations and acknowledging what can be learned from every study.

✓ Interdisciplinary – in the sense of moving away from fragmented perspectives towards integrated non-disciplinary thinking.

✓ Truth seeking – stressing the importance of accountability and scientific credibility and also acknowledging that 'getting it right' is a continuing process as our understanding evolves.

✓ Forward looking – anticipating as a part of initial project development where and how evaluation feedback will be needed.

✓ Ethical and democratic – a fair, open, accessible process that encourages commentary and debate from all parties that have a stake in the results.

Important factors in assessing project outcomes

An effective assessment plan must be tailored to suit specific project goals. There are now many useful resources available to guide collaborative evaluation of projects and programs.[106] Collaborative projects need collaborative approaches to assessment/evaluation. Have confidence and take the initiative to insist on this when making funding proposals, or if an external agency wishes to impose evaluation at some stage of the venture. The following are some important general points to remember when designing collaborative outcome evaluation:
✓ Build in a collaborative assessment/evaluation plan from the start, making this part of the project proposal and resource budget.

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[106] Google searches reveal many potential sources including justice related models. Jurmo & Folinsbee (1994) and Trochim (2006) are two very accessible examples that reflect the collaborative principles informing this *Resource*. The work of Michael Quinn Patton is also very helpful (http://knowledgeinstitute.co.nz/index.php?pr=Evaluation). He applies the term "developmental evaluation" to the kind of approach described in this Key Component. The Collaborative Roundtable (pp.106-114) also has evaluation tips.

- ✓ If an assessment plan and budget were not part of the original process develop one now and seek funding for it.
- ✓ Include assessment of the process and not just the outcome goals.

- ✓ If the evaluation is in the control of a funder or powerful stakeholder used to using traditional evaluation methods, be knowledgeable and determined in insisting on an approach that embodies Trochim's principles for effective 21st century evaluation.

- ✓ Effective assessment is a process of asking appropriate questions and answers that collect the information required to understand what is working well, what needs improvement, and how we can improve by building on the successes.

- ✓ Be clear about what is to be accomplished, in terms of both the project goals and objectives, and by the assessment of the process and outcomes.

- ✓ Meaningful assessment must ask all of the involved parties (designers, deliverers, funders, users) the right questions in appropriate ways. These groups have the knowledge and information needed to achieve this and representatives must be involved in developing as well as responding to the evaluation. Those who are to be evaluated should stand up to 'experts' who suggest otherwise!

- ✓ Technical advice on research methods and strategies are, nevertheless, important and necessary to an effective evaluation design, but the researcher chosen must be willing and able to work collaboratively.

Assessing the collaborative process

> *[Collaborations] are more than simple instrumental means for achieving collective goals directly benefiting the collaborators …. Alliances provide opportunities for participants to tap into the resources, knowledge, and skills of their immediate partners …. but these environments may also inhibit the full realization of benefits obtainable through such relationships. The images of mixed advantages and drawbacks accruing from collaborative enterprises reflect the current ambiguous state of knowledge about strategic alliance networks and their multidimensional consequences.*
>
> [Todeva & Knoke, 2005, p.140]

It is very difficult to 'measure' the 'outcomes' of a collaborative process and finding ways to systematically do so is very much a work in progress.

Some recent work is helpful in identifying key features to monitor. Gass (2008, p.40-41) applied a multiple method analysis to 23 collaborations, identifying five essential dimensions of success:[107]

1. *Trust/respect*: the strength of the collaborative foundation in terms of communication, and mutual understanding of assets and deficits (benefits and risks).

2. *Governance* that is effective and agreed plays an important role in collaborators' responses pertaining to organizational cultures and conflict resolution.

3. *Missions and goals* that are clear and agreed help to overcome differences and promote perceptions of change, including producing valid outcome indicators for the collaboration.

4. *Activity assessment* with valid outcome measures developed by the whole group and which share credit is a key predictor of success.

5. *Organizational culture*: misunderstanding about organizational cultures is a key factor in collaborative breakdown. Perceptions about cultures are tied to the other four measurement dimensions.

These five dimensions incorporate many of the 16 Key Components identified in this *Resource*. The perceptions and experiences of the collaborators are the important measures of success for process elements of collaboration. Turning the 'answer' element of each Key Component into a question could form a preliminary frame for useful assessment questions.

Todeva & Knoke (2005, pp.137-139) also identify three important but particularly difficult to measure dimensions for assessing collaborative processes. These are considered below along with some measurement suggestions. Both objective and subjective criteria have potential value for these factors but there are no easy measurement answers at this point. Any innovation is a valuable contribution to the following possibilities

➢ *Achievement of learning objectives*.

Not all projects will have formalized learning objectives, but all collaboration incorporates the principle of knowledge exchange as an important benefit. This exchange of information can be a vital factor in achieving the project goals and it is important to document learning that takes place within project Minutes, assessment questions, and other records and reporting. Simply asking participants, "What have you learned by being part of this collaboration," is a good start. If the assessment plan is developed early in the project, the collaborators can make a formal

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[107] The five dimensions are presented here based on Gass' reported findings. Earlier in the article he presents the five measurement dimensions he began with and these differ slightly, but remain in keeping with the Key Components of this *Resource*.

commitment to a process for documenting learning, noting how that is applied within and beyond the collaboration. Doing so will create a more powerful measure than *ad hoc* reflection at the end of the project.

➢ *Impact on collaborators beyond the immediate alliance.*

Both business and government sources identify the extended impact of collaborative networking as one of the most valuable outcomes. This conclusion is drawn from collaborator self-report and management observations. Two areas of extended value occur: one is from the further application of learning gained; the other from the value of continued network contacts for future alliances. Collaborators can commit to document extended network as well as learning value. The organizational managers of collaborative representatives can also be asked to formally evaluate these extended outcomes. If the assessment plan includes provision for the collaborative to re-visit this periodically after project completion, it will generate valuable knowledge about extended benefits and serve to nourish continued networking.

➢ *Societal consequences.*

The 'big picture' impacts of collaborations are the hardest to determine. They are so entwined with multiple social context factors it is almost impossible to 'prove' anything. The best approach is to narrow the segment of the larger social world that might have benefitted from the collaborative process of a specific initiative. The following are some ways to gain estimates of social impacts:

✓ The collaborative process has resulted in a concrete product that has a social impact that is measurable (such as the BC SHIC and the Alberta LInCs).

✓ Stakeholders outside of the immediate collaboration have asked to have information about it, have come to visit the group or the outcome initiative, and/or have acknowledged that it has influenced a subsequent collaboration (see Stratton, 2008b for examples).

✓ When information on the collaboration and/or the outcome product is available on a webpage, visitation statistics are available.

✓ Citations of the project, the collaboration, and/or related materials or tools (orally or in writing) can be identified.[108]

✓ Following the collaborative venture there is sufficient circumstantial evidence to suggest that overall knowledge and attitudes have changed. Although a specific initiative might not have been solely responsible for this change, the evidence suggests it played an important part.

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[108] Having collaborative members document oral citations will be advantageous. Google is a good tool for turning up citations. Also, review the list of references and footnotes in any policy reports received.

✓ Policy and decision makers now turn to members of the collaborative for input and/or involvement in new ventures.[109]

A word about 'failures'

In the context of assessing/evaluating collaboration, it is important to examine assumptions and stereotypes about failure.

Collaborative assessment is about building knowledge and not about pointing to failure. The process is concerned with respecting and appreciating what has been done. The objects are to learn and build upon what works well and identify how to fix recognized problems:

✓ If something has gone wrong with project plans or the collaborative process what we need to know is why this happened and how it can be avoided in the future.

✓ If a successful collaboration meets its project goal but the end product, program, or process does not achieve what was hoped for that is disappointing, but it is not a failure.

✓ Although likely difficult, it is a valuable learning opportunity that the successful collaborative is well placed to fully explore. If the venture is de-railed by forces or issues beyond the control of the collaborative, that is what Bradford (2003) refers to as a 'wicked problem' – but it is not a failure of collaboration.

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[109] Creating a simple document to record requests for information is recommended.

14. *What If Something Doesn't Work?*
Be flexible and open to reconsideration

As collaboration moves ahead it pushes the boundaries; new questions come up and sometimes new roadblocks. There can be frustration and dissatisfaction that not everyone has an understanding of what collaboration is or does …. We question: Is it really effective? Could it still be better?

[Participant, Collaborative Structures Workshops, 2007]

We live in a consumer driven economy and culture that, for most of our lifetime, has bombarded us with the message that if something isn't working well we should just throw it out and get a new and better one. There is considerable evidence that this is harmful to overall social well-being.[110] Access to Justice collaborations are all about working together to fix what isn't working well *before* our systems of justice become broken. If an aspect of a collaborative project isn't functioning we need to clearly identify what that is and find out how to repair it.

The essential process for identifying and addressing problems that arise is a commitment to careful, collaborative reflection followed with responsive, flexible adjustment. This Component provides a summary of some important points to consider. The other 15 Key Components provide more detail about appreciative ways to pose the difficult questions that the collaborative may need to confront.

➢ *What is at the root of the problem?*

Quite often when something isn't working as we hoped, the concern we initially identify is not the cause of the difficulty. Unless we recognize this, we will tinker with the surface problem but fail to solve the critical issue. A collaborative must consider:

❖ Is the problem related to the project specifics (vision, goals are too ambitious for the resources; the action plan is not accurately cast; something has changed in the social context)?

❖ Is it the collaborative process that isn't working (stakeholders don't fully understand each other; members don't have a shared understanding of

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[110] There is extensive social science research and theory that looks at this in terms of social attitudes to disabilities, poverty, "head start" programs, the elderly (Google Scholar returns almost 75,000 items). Some economic analysts have long predicted the current financial instability as an inevitable outcome of consumerism.

collaboration, or of what is agreed; there is unresolved conflict between some members)?

- ❖ Are there several interrelated problems within the project and the process that need to be untangled and resolved?

➢ *Can we make this work?*

Collaboration for change is a process of learning and action so having to make adjustments along the way should be expected. Identifying an area where something can be improved is actually a positive collaborative outcome and should not construed or presented as criticism or failure. Once problems have been recognized, the priority is to brainstorm resolutions, which necessarily must be specific to the challenge. Some basic framing questions are:

- ❖ Is this collaboration currently strong enough to take on these challenges by applying internal good communication practices, or do we need some outside assistance with conflict resolution?

- ❖ How can we be flexible about our project plans (do we need to adjust what we hope to accomplish?

- ❖ Can we get some additional material or time resources to help meet these challenges?

- ❖ Do we need to improve our collaborative understanding, communication and/or leadership?

- ❖ Do we have unacknowledged or unresolved tensions about project goals and objectives, inequitable contributions, risks or benefits, and/or collaborative roles?

- ❖ Is the source of the problem we face external to this collaboration (a change in government direction and commitment; unexpected funding/program cuts; local crisis or disaster)?

➢ *What if we can't make this work?*

One of the greatest benefits of collaboration is that the combined knowledge and resources are on hand to come up with innovative solutions. Most difficulties internal to a collaborative venture can be worked out when the group is committed to doing so. Honesty and flexibility will be needed and sometimes overall goals may have to be moderated, but generally the collaborative can achieve positive outcomes.

If a roadblock is so great that it cannot be surmounted, it is important to identify what has been achieved, especially useful learning that has occurred. A strong collaborative will find ways to reach project goals except when external circumstances interfere that

are beyond the power of the group to change. Even if this should occur, a strong collaborative will consider every possibility for changing those circumstances in both the short and long term. The collaboration itself may prove to be of much greater value than was initially imagined.

If it is the collaboration that has floundered, it is important to continue to analyse what went wrong and attempt to re-build understanding and trust for the future. Collaboration *is* the way forward, so we cannot allow a temporary setback to turn us away from continuing to learn how to succeed.

15. *Is That What We Agreed?*
Create a statement of collaborative understanding

> *I think that if you've managed to get the right people in the room, then the key to getting good collaboration – well, the devil's in the details, right? So it's deciding exactly what it is you're doing … what role people are going to have … whether they can have an equal role in decision making …. You have to make sure that expectations are clear and there is understanding of the parameters of what people can do.*
>
> [Participant, Collaborative Structures Workshops, 2007]

Key Component # 4 deals with a creating a foundation of good communication, pointing out that an initiator has to go ahead and communicate the basic ideas of collaboration to get it started. Once the group is convened however, there has to be considerable discussion to refine agreements about both project and process. It is very important to create a record of what is agreed among the collaborators.[111] This record enables review if reflection or adjustment are needed and is also valuable when new members join the collaboration in progress.

The form the agreement takes and the details within it will be tailored to meet the needs of individual initiatives. Most collaboratives will likely want to have the agreement in the form of a written document, but consideration should be given to other media. Some cultures prefer oral agreement, which might be audio recorded or assigned to an oral record keeper as suits the group. It is also important to address the needs of participants with visual, hearing or cognitive disabilities, and/or language barriers.

Overall, a collaborative agreement should address all 16 Key Components outlined in this *Resource,* but the main agreement or "project charter' is a statement that captures the essence of what is understood among the collaborators. The detail included in the collaborative agreement will depend on the complexity of the project. Some agreements might contain only the basic elements and refer to other sources or documents for further details. For example, a highly involved or technical project may want to develop a manual, or a research project may wish to have a separate resource that explains the orientation or methodology in considerable detail.

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[111] Analysts identify lack of clarity about what is agreed to be a major source of conflict and breakdown in collaborative ventures.

Collaborative agreement essentials

Some elements are essential to an effective statement of collaborative agreement:

- ✓ *Clarity of language.* This agreement is not a formal contract and it should have a name and use language that makes this clear. For example it is advisable to avoid the use of 'Memorandum of Understanding' and the term 'partner' because these can carry legal connotations that may create problems for some stakeholders.[112] In general, make sure all collaborators understand and are comfortable with the words employed.

- ✓ *A definition of 'collaboration'.* Key Component #1 presents five potential types of collaboration. It is imperative to reach a shared understanding and definition of what collaboration means in the context of a particular initiative.

- ✓ *A description of the project.* A statement of the basic purpose of the project and the main goals is essential. Objectives might also be included, depending on the complexity. Reference to a full project proposal is often more practical.

- ✓ *Governance and accountability.* The amount of detail will vary in relation to the size of an initiative. At a minimum, this statement must set out who is responsible for financial management, project work supervision, and reporting. The continued autonomy of stakeholder organizations should probably be acknowledged

- ✓ *Stakeholders and commitment.* In broad terms, identify the stakeholder groups represented and what is expected from them.

- ✓ *Process for conflict resolution.* An acknowledgement that tensions are expected and that there is a process to address these is helpful in initiating the openness in communication that is needed. A commitment to periodic review of the collaborative agreement might be part of this statement.

- ✓ *Process to withdraw.* The agreement should make it clear that participants can withdraw honourably.

Other considerations

In forming the collaborative agreement, it is recommended that consideration is given to including at least a brief statement pertaining to each of the 16 Key Components for creating and maintaining successful collaboration. Each group must make the decision on whether and how these elements will be included. The following are some considerations subsumed within the key components, which are not relevant in some instances, but critical in others:

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[112] The issue of partnership versus collaboration is discussed in Key Component #1.

- ✓ *A research plan*: If conducting research (including assessment and evaluation) statements addressing the following should either be included in the main agreement, or that agreement should refer to a more elaborate statement on these matters:
  - o The research approach (orientation and underlying philosophy – is the research also collaborative?).
  - o A commitment to ethical conduct (Has the collaborative developed ethical guidelines? Will an ethics review board be involved?).
  - o A commitment to confidentiality and data protection (Who will know who participates? Where will the data be kept?).

- ✓ *A communication and dissemination plan*. All collaborations need to agree to respectful communication. Beyond this, there may be issues of public communication throughout the project. The following questions should be answered:
  - o Is there agreement on who can speak publically about the project (as the spokesperson), and in what contexts?
  - o Do we need a specific media strategy?
  - o What kind of project disseminations will there be and who will be responsible for these?
  - o Are there issues of data ownership and/or authorship we need to address?

Examples of collaborative agreements

- ➢ **Project Charter** - *Alberta Legal Services Mapping Project*

  This agreement was arrived at via multiple drafts and reviews incorporating input from the Research Team, Research Directors and a broad group of collaborating stakeholders. It includes all of the collaborative essentials noted previously, plus some additional factors important to the ASLSMP.

- ➢ **Working Document** - *Civil Justice System and the Public*

  The "Working Document" is a more detailed, research oriented collaborative agreement designed for a group of nationally dispersed collaborators, most of whom had never personally met at the commencement of the CJSP. As the CFCJ's first attempt at a collaborative agreement, the Document was an experiment that worked well and has proved to be a useful model.

Further examples of collaborative agreements are invited for inclusion in the next edition of this *Resource*.

Agreements between collaborations and organizations

A collaborative initiative will quite often need to come to a more formal agreement with a particular (usually powerful) organization, which may or may not be an active collaborator. This organization will likely have standard approaches and contracts designed long before it became involved with collaborative processes. While it is not easy to negotiate changes more in keeping with collaborative principles, we have found that with perseverance it is almost always possible. There are four kinds of common agreements that need careful review and negotiation when tensions exist:

➢ *Shared funding agreements*

Collaborative initiatives frequently obtain funding from multiple sources and this is generally beneficial to equalizing power among the collaborators. It does, however, make management, accountability and reporting more complicated. There may be different timelines and requirements for receiving and reporting on funds and transparent accountability requires a clear plan to manage this.

Contracts may contain clauses about ownership and reporting of project information and outcomes that are in stark tension with collaborative principles and agreements about free access to findings, data protection and ownership. The collaborative group must carefully read all such contracts and agreements and negotiate to ensure these essential collaborative commitments are preserved.

➢ *Formal in-kind partnerships*

In-kind contributions of space, staff, equipment, technology and other materials may be essential to a project. Understandably, organizations often require formal agreements, which may be standard and must be carefully reviewed to ensure collaborative principles are preserved. Information ownership and confidentiality are particular issues to look for.

➢ *Commissioned contributions*

In addition to the main funding agreements, collaborative ventures sometimes attract commissions or separate funding specific to one piece of work. Assessment/evaluation research often falls into this category, either because the collaborative has independent funds to conduct an evaluation, or because external funders are imposing this requirement.[113] In these cases it is important to negotiate the way the research is conducted as well as preserving the confidentiality and reporting standards of the collaborative agreement.

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[113] The BC *Self-Help Information Centre Project* is an example of the involvement of Justice Canada in funding and being actively involved, as part of the larger project, in the collaborative design of independently conducted assessment and evaluation research. In earlier years, the CFCJ was subjected to external evaluation of projects and programs that was not collaborative. We learned much from this about what needs to be incorporated to achieve a meaningful evaluation.

Another possibility is that the project attracts external interest because of the potential to answer questions additional to the original project focus. This is a testimony to the success of the venture, but it is still necessary to be vigilant and ensure contract clauses do not violate collaborative principles.[114]

➢ *Permanent program management*

Collaborative goals frequently involve program development that will at some point require either reaching a formal delivery partnership or relinquishing the continuation of the project to one organization. A goal of collaborative ventures is often to improve coordination of service delivery, so the ground its fertile to negotiate collaborative agreements. Doing so is, nevertheless, very new ground.

A good example of this is provided by the *Project Charter* of the British Columbia SHIC, which preserves the collaboration in a continued advisory capacity and incorporates many of the elements suggested as important to a collaborative agreement.

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[114] The CJSP attracted commissions from collaborating partners initially using standard contracts with sub-clauses that had to be negotiated to preserve project commitments to data protection, management and the right to disseminate findings.

16. *So What Have We Achieved?*
Celebrate each successful collaborative step

Throughout, this *Resource* confronts the many challenges facing justice community collaboration. Requested by justice community stakeholders, the creation of this guide reflects their commitment to collaboration and their desire to do it well. Developed based on input from the justice community, the *Resource* illustrates the strength and power of collaboration. Such commitment deserves to be celebrated.

Collaboratives need to nurture members by recognizing and celebrating every success, and that includes successfully meeting and emerging from challenges and conflicts that occur along the way. It is not just the end goals of a project that are to be counted as successes, but each step that is accomplished during the project's progression.

There is no question that collaborating is a celebration.

It is a celebration because:
- *we care about access to justice;*
- *we believe there are improvements that can and should be made;*
- *we think collaboration is important to achieving that.*

We have reason to celebrate that we live in a country where our system of justice works well enough to allow us the liberty to come together and talk freely about our ideals and our critiques.

We are here even though:
- *we are all busy and sometimes feel over extended;*
- *there are days when the challenges, roadblocks and discouragement we encounter seems overwhelming, and changing our justice system for the better feels like an idealistic dream - not a possibility.*

Nevertheless we are here: and that makes this an occasion to celebrate.

[Introduction to Collaborative Structures Workshops, 2007]

Recognizing achievements

- ✓ *Bringing together collaborators* at an inaugural gathering is the first occasion for celebration.

- ✓ *Completing the <u>collaborative agreement</u>* is a major milestone for the group.

- ✓ *Obtaining funding or other resources* for the project is always important to celebrate, acknowledging and including those providing the resources, whether or not they are active collaborators.

- ✓ *Milestone and everyday achievements.* Recognition is vital to positive moral. An <u>assessment and evaluation</u> plan that incorporates both collaborative process and project outcomes provides a framework of important achievements. A regularly reviewed <u>action plan</u> will focus attention on each small step accomplished on the way to the end goal.

- ✓ *Contributions to knowledge* are important achievements. These include benefits that come to the collaborators through the sharing of collective knowledge as well as contributions of the project through disseminations (which include process products like the project proposal, charter, research instruments etc).[115]

- ✓ *Outside achievements of collaborative members* (a promotion, a publication, a public presentation, a marriage, a birth etc) also deserve recognition. Celebrating these achievements helps build recognition, understanding and friendship among the collaborators.

- ✓ *Solving a challenge* of any kind should be celebrated. Overcoming material roadblocks is essential to project outcomes, but triumphing over collaborative misunderstandings has value that will likely carry over into positive future networking and collaborative work.

How to celebrate

- ➢ **Recognition, reciprocity and respect** are key concepts to incorporate into celebrating collaborative achievements. Collaborative recognition requires a delicate balance between fully acknowledging the contribution everyone has made to the outcome and giving due credit to worthy individual contributions. Some helpful pointers in achieving this balance are:

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[115] See some suggestions in *Assessing the collaborative process*, <u>Key Component #13</u>. *Getting the Word Out* from the CJSP is an example of recording knowledge mobilization.

✓ Accept recognition with grace and humility and also be generous in sharing the credit and always acknowledge contributing and supporting work.[116]

✓ When in a leadership position, encourage shared responsibilities and mentor new leaders.

✓ Welcome, encourage and support joint applications, presentations and authorship. Be generous in attributing co-contributor status, rather than subscribing to hierarchical orders for applicants, authors and presenters.[117]

✓ Insist that all forms of dissemination include full acknowledgement of the collaborative contribution.

✓ Never, ever take credit for the work of others, either actively or passively.

✓ Never shift responsibility for difficulties or mistakes to others (even if they were not your fault); instead take on the responsibility of asking for input on how to improve the situation.

➢ **Creative celebration** for collaborative success will be a product of consciously considering what, how and when to recognize achievement. Some possibilities to start with are:

✓ Always having refreshments at meetings (even if members must bring these themselves) and provide a break in the middle of the event for refreshment and networking.

✓ An Agenda space at every meeting dedicated to reflecting on and recording what has been achieved since the last meeting.

✓ Keeping a record of all kinds of achievements related to the project progress and the collaborative development.[118]

✓ Having a dedicated space in the project office (or on a blog) where news clippings, photographs, notices etc. are posted for collaborators to share.

✓ Holding a special event to celebrate milestone achievements (a pot luck lunch, a cake, an outside of work activity together).

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[116] Administrative and other support work is often overlooked. Good collaborative practice in this regard, should extend to remembering and thanking staff providing food service, technical and other support at conferences, meetings or other events.

[117] This can be an uphill battle in the academic world where institutional practice has not kept up with theoretical statements encouraging collaboration. Co-applicants may be disallowed and co-authored contributions devalued. Collaboratives must persist in challenging such contradictions.

[118] The CJSP *Getting the Word Out* is an example of this kind of approach. A dedicated blog is another approach that could be used.

In Conclusion

There are unquestionably many challenges and roadblocks to genuine collaboration. It is easy during day-to-day struggles to lose sight of the value of working together. We must remember that together:

- ✓ We do have more power to bring about change and to successfully meet challenges and criticisms along the way.

- ✓ We do have more power to come up with ideas, solutions, programs and services that work for everybody.

- ✓ Together is the only way we can achieve the goal we share of accessible, effective and fair justice for all.

Creating Collaborative Alliances for Change is intended to be dynamic. In its entirety, the document is long and complex. But, like the collaborative proces, it is meant to be explored and applied piece by piece as the need arises. The expectation is that *Resource* users will provide feedback, suggestions and more collaborative examples for inclusion in the next edition. Our goal is annual revision.

Collaboration may be challenging, but at its heart it is very simple. It begins and grows as one person invites another. *Creating Collaborative Alliances for Change* embodies a core message:

"Hello! Welcome! Please join in – we have so much important work to do together."

APPENDICIES

A. Annotated bibliography

B. Background and method for *Creating Collaborative Alliances for Change*

C. Examples of collaborative summaries and letters to stakeholders

Appendix A
Annotated Bibliography

Where electronic copies of listed resources have been located, a direct link is provided. Copies are also on file at the CFCJ. Books must be obtained via library or purchase, but a print version of articles not available electronically can be obtained from the CFCJ by request to Mary Stratton at mstratto@law.ualberta.ca.

Bartlett, S. & McKitrick, A. (1999). *The collaboration roundtable phase II: Outreach to small organizations.*
https://vancouver.ca/commsvcs/socialplanning/initiatives/multicult/PDF/MULTIPH2.PDF

The second of four reports produced from a BC Lower Mainland non-profit venture to foster and better understand collaboration. Following a recommendation from Phase I of the Collaborative Roundtable, this report focuses on the collaboration/partnership experiences of small ethno-cultural organizations and offers related recommendations for successfully including these organizations in broad collaboratives.

Billingsley, B., Lowe, D. & Stratton, M. (2006). *Civil justice system and the public: learning from experiences to find practices that work.* Edmonton: CFCJ.
http://cfcj-fcjc.org/publications/cjsp-en.php#14

This report provides an overview of the *Civil Justice System and the Public* (CJSP), an ambitious and complex project, undertaken between 2001 to 2006 and involving a multi-tracked, multi-party evaluation of communication practices in Canada's civil justice system. By addressing both substantive and procedural aspects of the CJSP, this report is intended to be useful to a wide variety of readers, including the CJSP Research Partners, the funding agencies that contributed to the CJSP, and all persons interested in evidence-based social science research and civil justice reform.

Bradford, N. (2003). C*ities and communities that work: Innovative practices, enabling policies.* Ottawa: Canadian Policy Research Networks Inc.
http://www.cprn.ca/documents/20506_en.pdf

A discussion paper from a critical economic perspective that is concerned with desirable community-based innovations and focuses on "collaborative processes among diverse actors that produce integrative or holistic understandings of challenges and potential solutions." (p.2)

Bradford, N. (2008). *Canadian social policy in the 2000s: Bringing place in.* Ottawa: Canadian Policy Research Networks.
http://tamarackcommunity.ca/downloads/index/Bringing_Place_In.pdf

This paper (not specifically cited in the *Resource* discussions) updates issues from Bradford (2003), with a focus on the importance of policy that is appropriate to localities, not just for success locally, but for national economic success overall. He presents a Canadian

perspective on new Canadian ideas in action involving vertical and horizontal collaborations underlining the importance of action research approaches.

Bradwell, P & Marr, S. (2008). *Making the most of collaboration: an international survey of public service co-design*. Demos Report 23. London: PricewaterhouseCoopers. http://www.demos.co.uk/files/CollabWeb.pdf?1240939425

Based on findings from an international, multi-sector survey inquiring about the involvement of service users in the design of program and policy change. This open-access report emphasizes the international engagement with collaborative process. Findings strongly underline the value of resulting policy/program change. Useful references are included.

Canadian Forum on Civil Justice (2007). *Alberta legal services mapping project - research proposal*. Edmonton: Author. http://cfcj-fcjc.org/docs/2007/mapping-proposal-en.pdf

This document sets out in detail the goals, objectives and methodology for the ALSMP a collaborative community-based mapping project that aims to create a province wide map of legal services including information, education, legal advice, legal representation and/or other supports or assistance related to legal problems.

Canadian Forum on Civil Justice (2002). A working document for the civil justice system and the public research project. Edmonton: Author. http://cfcj-fcjc.org/research/cjsp-workingdoc-en.php

The Working Document was developed as an organized, but dynamic, forum to review and describe the CJSP project. It brought together the many thoughts and ideas about how to frame and conduct the research that were generated in the early planning stages of the project, The document was circulated among the project partners as a tool to assist in meeting the collaborative partnership goals.

Chambers, R. (2002). *Participatory workshops*. London: Earthscan.

This book contains many ideas for organizing and conducting participatory or collaborative events.

Chambers, R. (1997). *Whose reality counts?: Putting the first last* London, UK: Intermediate Technology.

Chambers' draws on extensive experience with participatory international development research. In this book he is particularly concerned with social power relations and hierarchies of knowledge and experience.

Chisholm, R. (1998). *Developing Network Organizations: Learning from Practice and Theory*. USA: Addison Wesley Longman Inc.

Rupert Chisholm has written extensively about participatory networks and is representative of the fully participatory approach. An additional resource is: Chisholm, R. (2001). Action

research to develop an interorganizational network. In P. Reason & H. Bradbury (Eds.), *Handbook of action research* (pp. 324-332). Thousand Oaks: Sage.

Collaboration Roundtable. (2001). *The partnership toolkit: Tools for building and sustaining* partnerships. Retrieved July 13, 2007 from : www.pcrs.ca/Images/Agency%20Documents/Publications/partnershiptoolkit.pdf.

This fourth publication from the BC Roundtable intends to pull together findings from the previous reports along with suggestions for addressing collaborative challenges. This resource may provide useful tips and checklists that can be applied to justice collaborations.

Coyne, K. & Kowalski, E. (1999). *The collaboration roundtable, phase I: Report on the first step.* Retrieved June 24, 2007 from: http://vancouver.ca/commsvcs/socialplanning/initiatives/multicult/PDF/MULTIPH1.PDF.

Informative first report of the BC Lower Mainland roundtables on issues in community collaboration. Subsequent reports and the final 'Toolkit" flow from findings in this initial report.

Currie. A. (2006). A national survey of the civil justice problems of low- and moderate-income Canadians: incidence and patterns. *International Journal of the Legal Profession 13* (3), 217-242.

Currie's research follows a UK model for measuring the incidence of legal need among the general population and forms part of an increasingly strong body of international research that has repeatedly demonstrated the general incidence of legal problems at 35-40%. This work also provides evidence that unresolved legal need tend to generate clustering of increased levels of social and legal problems.

Currie. A. (2009). The Legal Problems of Everyday Life. In R. L. Sandefur (Ed.), *Sociology of Crime, Law and Deviance Volume 12* (pp.1-41). Bingley, UK: Emerald.
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This chapter examines the prevalence of justiciable civil justice problems experienced by Canadians, the ways in which people respond to them and the consequences of experiencing these kinds of problems. Similar international research is noted. The results show that experiencing justiciable problems is a nearly normal feature of the everyday lives of a large proportion of the population in a modern society. Particularly important are the prevalence of multiple problems and the clustering of legal, health and social problems. A version of this article is available from: http://www.justice.gc.ca/eng/pi/rs/rep-rap/2007/rr07_la1-rr07_aj1/index.html

Division of Criminal Justice Services New York State (2004). *Developing goals and objectives.*
 http://criminaljustice.state.ny.us/ofpa/goalwrite.htm.

A succinct and helpful on-line presentation defining goals and objectives.

Gass, E. (2008). The path to partnership: revisiting the five key elements of university-community partnership. *Professional development: The International Journal of Social Work Education 11*(1), 30-47.

Gass has identified key concepts present in theoretical discussions and qualitative evaluations and reports about community-university collaborations. From these he developed measures to apply in a quantitative analysis of actual alliance outcomes. His findings confirm experience-based reporting.

Genn, H., Partington M., and Wheeler, S. (2006). *Law in the real world: Improving our understanding of how law works.* London, UK: The Nuffield Foundation.

A UK report on the need for, but limited capacity to conduct, social research about legal systems, processes and related issues. The report focuses mainly on issues in the UK, but included an international consultation.
http://www.ucl.ac.uk/laws/socio-legal/empirical/docs/inquiry_report.pdf

Himmelman, A. (2002). *Collaboration for a change.* Minneapolis: Himmelman Consulting.
http://depts.washington.edu/ccph/pdf_files/4achange.pdf

A useful, free copyright publication that grapples with definitions relevant to collaboration in a change context. Himmelman lists 20 question-based steps to ask when planning collaboration. He also makes four distinctions in ways of working together: networking, coordinating, cooperating, collaborating. This work has informed this *Resource* and is increasingly cited in recent collaborative discussions.

Jurmo, P. & Folinsbee, S. (1994). *Collaborative evaluation: A handbook for workplace development planners.* Don Mills: ABC Canada.
http://www.nald.ca/fulltext/abc/coleva/coleva.pdf

This handbook is a highly accessible and detailed step-by-step resource designed for use by trained evaluators and community collaboratives. Designed as a searchable on-line resource it is divided into four phases with a total of 15 steps. Produced by the ABC Canada Literacy Foundation it may be particularly helpful for PLEI evaluations.

Joint Working Group on School-Based Teen Pregnancy Prevention. (2004). *Essential tip for successful collaboration*. Council of Chief State School Officers.
http://www.ccsso.org/publication/details.cfm?PublicationID=239

This short publication offers 10 experience-based tips for successful inter-organizational collaborations and is very straightforward about the challenges involved.

Kiefl, G. (1999, March). *Best practices and lessons learned: Multidisciplinary and integrated justice projects*. Working Paper, Department of Justice Canada, Research and Statistics Division. Retrieved July 24, 2007 from:
http://www.justice.gc.ca/eng/pi/rs/rep-rap/1999/wd99_2-dt99_2/p0.html

Concerned with multidisciplinary approaches and integrated justice initiatives, this Justice Canada report is most useful in providing insights into government perspectives on collaboration and integrated approaches. Conclusions strongly support the long-term networking benefits of collaboration. The few 'best' practices identified are in keeping with those highlighted in other resources and reflected in this *Resource.*

Malcolmson, J. & Reid, G. (2004). *Developing models for coordinated services for self-representing litigants: Mapping services, gaps, issues and needs.* Vancouver: BC Law Courts Education Society.
http://www.justiceeducation.ca/themes/framework/documents/srl_mapping_repo.pdf

This report details the mapping approach needs assessment research undertaken for the BC Self-Help Information Centre Committee as a first step in the process that ultimately established the Supreme Court Self-Help Information Centre in the Vancouver courthouse.

Malcolmson, J. & Reid, G. (2006). *BC Supreme Court Self-Help Information Centre Final Evaluation Report.* Vancouver: BC Law Courts Education Society.
http://www.justiceeducation.ca/themes/framework/documents/SHC_Final_Evaluation_Sept2006.pdf

This evaluation was conducted as part of the collaborative process that established the BC Supreme Court Self-Help Information Centre.

Martin Spigelman Research Associates & Zena Simces and Associates. (2000). *The collaboration roundtable, phase III: Building and sustaining effective partnerships*:
http://vancouver.ca/commsvcs/socialplanning/initiatives/multicult/PDF/MULTIPH3.PDF

The purpose of the third report in the BC Lower mainland Collaboration Roundtable series was to provide concrete tools that would assist agencies in building and sustaining effective collaborations. This report is in effect a working document for the subsequent Tool Kit (Collaboration Roundtable, 2001).

Parker, S. & Gallagher, N (2007). *The collaborative state: How working together can transform public services.* Collection 23. London: Demos.
http://www.demos.co.uk/publications/collaborativestatecollection

An edited book of 16 papers on international public service and community/user collaborations, combining practice experience with related theory. There is one chapter about policing but otherwise no justice system focus. While featuring case studies of successes, the editors do not hold back on the challenges to be addressed. An excellent source for government and other stakeholders who wish to gain a better understanding of issues in collaborations involving the public sector at all levels. Includes many useful references with electronic links provided.

Parkinson, C. (2006). *Building successful collaborations: A guide to collaboration among non-profit agencies and between non-profit agencies and businesses.* Cambridge & North Dumfries Community Foundation.
http://www.efc.be/ftp/public/CPI/Newsletter_Oct06/collaborationReport.pdf.

A short and useful overview of the elements needed to bring about a successful collaboration between multiple partners with power differentials (business focus). A useful definition of collaboration, 20 tips for success, summaries of benefits and key learning are provided.

Rose, T. & Stratton, M. (2004). *How collaborative is collaborative?* Unpublished working paper, available from the authors upon request at mstratto@law.ualberta.ca.

This paper was written during the *Civil Justice System and the Public* project, while the 'action' was still unfolding. The authors explore conceptualizations of partnership, collaboration and participation and the challenges, tensions and potentials of a large-scale collaboration in practice. The paper was originally intended to inform academic discussion about collaboration, but the issues raised have contributed to identifying practice issues addressed in this *Resource.*

Rubin, H. (Unknown). The seven secrets of effective collaborative leaders. http://www.aspirenow.com/leader_12_02_seven_secrets_of_effective_collaborative_leaders.htm.

This on-line resource is a succinct overview that captures many important points covered in this resource. The seventh secret states: "All collaboration is personal. 'Inter-institutional collaboration' is a common misnomer. Effective collaboration happens between people-one person at a time." Hank Rubin is the president of the Institute for Collaborative Leadership The Institute site (http://www.collaborativeleaders.com/) has free resources about collaboration and leadership.

Stratton, M (2006). *Alberta self-represented litigants mapping project*: Final report http://cfcj-fcjc.org/docs/2007/mapping-en.pdf

The SRLMP documented the range of government and non-government services and supports currently available to self-represented litigants (SRLs) in three Alberta regions. The mapping process also revealed issues surrounding current service delivery including gaps in present services and possible ways of bringing existing services more closely in-line with the needs of SRLs. This research was undertaken as a collaboration between Alberta Justice and non-government organizations concerned with services related to access to justice. Special attention is paid to the role a self-help centre or kiosk could play in achieving improved SRL services.

Stratton (2008). *Research priorities and potentials*. Edmonton: Canadian Forum on Civil Justice. http://cfcj-fcjc.org/docs/2007/stratton-researchpriorities-en.pdf

Current priorities and other potential areas of socio-legal research are identified. The descriptions are also useful in highlighting intersecting interests for collaboration among justice, social, business and government sectors. The report is periodically updated.

Stratton, M (2009). Reaching out with research: Engaging community in mapping legal service accessibility, effectiveness and unmet needs (pp. 47-72)*.* In A. Buck, P. Pleasence and N. J. Balmer (Eds.), *Reaching further: Innovation, access and quality in legal services.* London: LSRC. Available online with permission at: http://cfcj-fcjc.org/docs/2008/stratton-reachingout-en.pdf

This book chapter explains that 'mapping' is a form of needs assessment research utilizing a collaborative network approach to involving all stakeholders in developing a coordinated, effective and user-focused approach to providing holistic legal and related social service delivery. British Columbia and Alberta examples of mapping research are used as illustrations.

Task Force on Systems of Civil Justice. (1996). *Report of the Canadian Bar Association Task Force on Systems of Civil Justice.* Ottawa: Canadian Bar Association. http://www.cba.org/cba/pubs/pdf/systemscivil_tfreport.pdf.

This report identified cost, delay and lack of public understanding as major access to justice barriers for Canadians. The Canadian Forum on Civil Justice was established in response to one of the Task Force recommendations.

Todeva, E. & Knoke, D. (2005). Strategic alliances and models of collaboration. *Management Decision,* 43, 128-148.

The article takes a business organization perspective and is concerned with the transformation of various kinds of capital (human, financial, cultural, social). A strategic alliance involves at least two parties that remain legally independent, but share benefits and control over tasks. A comprehensive review of strategic alliance research, findings strongly support non-profit conclusions on key components for success and is thorough in identifying strengths and weaknesses.

Treasury Board of Canada. (1995). *The federal government as 'partner': Six steps to successful collaboration.* http://www.tbs-sct.gc.ca/pubs_pol/opepubs/TB_o3/fgpe2_e.asp#summary

Six steps for collaborating successfully are described: 1) Collaborate by choice not by chance; 2) Check the legalities and definitions; 3) Consult with the federal specialists; 4) Hold the 'partners' accountable; 5) Maximize the value of collaboration (succinct checklist provided); 6) Achieve the best results with sound management techniques.
This source is helpful in understanding the demands and restrictions government participants in collaborations must meet.

Trochim, W.M. K. (2006). Introduction to evaluation. In *Research methods knowledge base.* Ithica, NY: Trochim Publications. http://www.socialresearchmethods.net/kb/intreval.php

"Introduction to Evaluation" is part of a comprehensive, easy to understand on-line text about a variety of research methods, including collaborative evaluation. Trochim outlines principles for an "evaluation culture" as well as providing details on planning and conducting evaluation studies.

Background and Method
for
Creating Collaborative Alliances for Change

Background

The inspiration for creating this *Resource* came from discussions that occurred before, during and after the *Creating Collaborative Structures for Justice Advisory Committees* workshops, held in Vancouver on April 24th & 25th, 2007. These workshops were funded by the Law Foundation of British Columbia and hosted in their offices as part of the action follow up associated with the *Civil Justice System and the Public* (CJSP) project.

The Civil Justice System and the Public Project

The CJSP was a collaborative action research program founded on the belief that a lack of effective communication, both within the system and between that system and the public, is a significant barrier interfering with access to justice. The CJSP was undertaken by the Canadian Forum on Civil Justice (CFCJ) and a group of justice community and academic partners between 2001 and 2006 and the program of follow-up action activities and dissemination of findings continues.

The CJSP involved both the public and the justice community in identifying changes in communication practice that will improve the system. The goal of the project is to make specific and clear recommendations for effective change that will ultimately improve access to the civil justice system by increasing the ability of the system to hear, involve and respond to the public.

The Canadian Forum on Civil Justice

The CFCJ is an independent national organization working to improve the way the civil justice system in Canada meets the needs of the people it is intended to serve. The purpose of the civil justice system is to help people determine rights and peacefully resolve disagreements in non-criminal issues. We believe that the system can be improved and access to justice can be increased for all Canadians. It is part of our mandate to work collaboratively with all civil justice system stakeholders in Canada and internationally to achieve this goal. Making positive changes in the way the system communicates and shares collective knowledge is one way to work towards this objective.

We recognize that creating a culture of collaboration for the delivery of justice services represents a fundamental paradigm shift that requires us all to become involved in new learning and innovative ventures. We are breaking new ground together and we do not

have a tidy set of directions to follow. We must work together to create a map that will make this new terrain a little easier to navigate. *Creating Collaborative Alliances for Change* is compiled in that spirit and reflects the collaborative experiences of many justice community partners, as well as the lessons we have learned from the CJSP and other collaborations in which we have been involved.

The CJSP Research in British Columbia

In British Columbia, the field research for the CJSP was conducted in May 2005 with the research team visiting Vancouver and Surrey. At the time of this visit, the collaborative process for establishing the Supreme Court Self-Help Information Centre (SHIC) had already begun. The CJSP Research Coordinator was invited to be part of this collaborative committee and the SHIC became a project case study of good communication practices for change.[119] This project provides an inspiring model for civil justice stakeholders across the country.

Subsequently, *Effective and Affordable Civil Justice*, the report of the BC Justice Review Task Force, also pointed to a continued need to work together to improve communication within the justice system and between that system and the public. The report recommended establishing Justice Access Centres, intended to provide people with information, advice, guidance and other services they require to solve their own legal problems.

In 2007, the Law Foundation of British Columbia provided funding for follow up action associated with the *Civil Justice System and the Public* project. One of the purposes of follow-up activities is to take back our research findings to the participants. However, because of the collaborative work that had already occurred in BC, most justice community stakeholders were already familiar with those findings. We consulted with key stakeholders to find out what kind of follow-up would be useful and they told us that it would be helpful to have discussions aimed at gaining an even greater understanding about the value and process of collaborating. In April 2007, two *Creating Collaborative Structure* workshops were held. The purpose was to provide an occasion to communicate ideals, concerns, challenges and viable resolutions for collaborative approaches that will completely re-form the civil justice system of the 21st century.

During and subsequent to these workshops, participants and other justice community stakeholders in British Columbia indicated the need for a document that both summarized collaborative issues and presented concrete practices for successful collaborations. Learning of this initiative, stakeholders across Canada have also expressed interest in receiving this *Resource* and have provided comments on earlier drafts.

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[119] An overview of the SHIC case study can be found in *Civil Justice System and the Public: Learning from Experiences to Find Practices that Work*, pp. 57-58, available from http://cfcj-fcjc.org/publications/cjsp-en.php#13 .

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Methodology for Developing the Resource

Many sources have informed this *Resource*. These fall into two main categories:

- Collaborative literature (academic and practice based)

- Justice community experiences

Contributions from Collaborative Literature

There is no shortage of general material discussing the philosophical and theoretical underpinnings of collaborations. Google searches revealed hundreds of thousands of links to material about collaborations between government and non-government organizations in Canada and internationally. When the search was confined to asking about "stakeholder collaboration" or "collaborative process" specifically in relation to "access to justice" or "justice services" there were far fewer links. A preliminary review of these found that few offered much substance to a discussion of what collaboration actually is and how it can be successfully achieved within justice systems.

A general search on "successful collaboration" was more productive. While there are still many thousands of links, it is possible to identify some useful material written from a perspective grounded in collaborative experience, although very few come from inside the justice community. Within this literature, it is possible to identify strong agreement about key elements in creating successful collaboration. There is, however, less clarity on how to bring these elements about in practice. Furthermore, practical, concrete steps must be specific to the context to which they will be applied – in this case Canadian justice systems. Appendix A provides an annotated bibliography of sources that have informed this *Resource* and wherever possible direct links to the source are provided.

<u>Record of Searches</u>[120]

Search Term	Hits	Comment
Collaboration	79,700,000	Clearly too broad to be helpful
Collaboration +"justice community"	24,100	Top hits mainly criminal justice, or *collaborative* justice; 4th hit is CJSP
"Stakeholder collaboration" +"access to justice"	180	Returns some examples of potential interest
"Stakeholder collaboration" +"justice services"	67	Promising examples; good share are Canadian; mostly criminal; several CFCJ publications
"Collaborative process" +"justice services"	1,230	Generally productive search. Top and many subsequent hits are Canadian; mostly family justice services; 12th hit is BC Click Law; helpful government publications
"Collaborative process" +"access to justice"	1,560	Mainly US returns in top 30; eclectic content; Click Law and CFCJ are among top 20
"Evaluating collaboration"	12,300	Returns have multiplied by 4 in the past six months! Not very helpful
"Evaluating Collaborative Process"	9,130	Only 11 records actually return
"Collaborative Process" +"designing evaluation"	430	Useful search. Returns focus on designing collaborative evaluation, however.

Contributions from Justice Community Experience

Contributions from justice community experience make it possible to relate key themes in the literature to the context of the Canadian justice system and to provide relevant, concrete action-steps for creating successful collaborative alliances.

Dialogue from the *Creating Collaborative Structures* workshops makes a major contribution in illustrating many of the issues discussed in this *Resource*. Following the workshops, a summary of important questions and issues about collaboration was generated and this was the nucleus for the 16 Key Component questions around which the *Resource* is now organized.

Participants from the workshops and other justice community collaborators in BC, Alberta and Ontario reviewed the outline and two drafts of the *Resource*, providing important feedback, reflections and editing. Input based on collaborative experience will continue to inform this dynamic *Resource*.

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[120] Google was used for all searches. It should be noted that search returns will vary from day to day and according to the search engine used. Key searches were re-tested as the *Resource* was finalized. It was noted that the number of hits was increasing and this sometimes made it impossible to find some of the original material via a broad search.

Appendix C
Examples of collaborative summaries and letters to stakeholders

- [Project Summary CJSP](#)

- [Project Summary ALSMP](#)

- [Introduction to Key Contacts CJSP](#)

- [Invitation to Collaborate ALSMP](#)

Project Summary CJSP

The "Civil Justice System and the Public"

"The Civil Justice System and the Public" is a program designed to involve the public in the process of civil justice reform. Research directors from the University of Alberta and the Canadian Forum on Civil Justice are joined by partners from across Canada in academia, the judiciary, the legal profession, court administration, public legal education agencies, community organizations and the public. The purpose is to conduct research and develop best practices for better communication between the courts and the public, and as a result to improve both the operation of the civil justice system and meaningful public access to the system.

Studies of the civil justice system have accepted the need for reform of the system and concluded that the public, as a primary participant in the system, should play a key role in reform efforts. A number of the many recent recommendations for reform emanating from the judiciary, the legal profession and government are aimed at increasing the responsiveness of the system to the needs and expectations of the public. These recommendations seek both to increase access to the civil justice system and to develop effective two-way communication between the courts and the public. This study will advance these important recommendations.

The program begins with the widely accepted belief that there are significant barriers which prevent access to the justice system. While discussion has now started about how to improve the system, the public is generally unaware of the discussion, which means that they are not involved in the reform efforts, and their needs and expectations are not being voiced. The research will begin by studying the relationship between the civil justice system and the public, identifying and investigating barriers to effective communication about the civil justice system and civil justice reform. The focus in the second stage of the research will be on developing methods of communication between the civil justice system and the public. This will involve demonstration projects to test communication mechanisms, with a view to making concrete recommendations to improve communication and, ultimately, improve access by increasing the ability of the civil justice system to speak to, hear and respond to the public. The multidisciplinary research will set a new standard for practical and theoretical research about the relationship between the civil justice system and the public, contributing to the development of this most fundamental social institution.

The research partners include the University of Alberta (Faculties of Law, Extension, Arts, Business and Native Studies), the Public Legal Education Association of Canada and member agencies, the Association of Canadian Court Administrators, the Canadian Institute for the Administration of Justice, The Canadian Bar Association, the Alberta Law Reform Institute, the Legal Aid Society of Alberta, Justice Canada, the Canadian Centre for Justice Statistics, the Canadian Association of Provincial Court Judges and the Yellowhead Tribal Community Corrections Society. The program will be coordinated by the Executive Director of the Canadian Forum on Civil Justice. The goal of the Forum is to bring together the public, the courts, the legal profession and government to strive to ensure that civil justice is accessible, effective, fair and efficient. The Forum is uniquely positioned to coordinate the research alliance and to ensure that our research and program objectives are realised.

Alberta Legal Services Mapping Project
Brief Overview

The *Alberta Legal Services Mapping Project* is a collaborative action research initiative undertaken by the Canadian Forum on Civil Justice in association with a broad partnership of justice community representatives. The research will lead to the creation of a province-wide "map" of legal services that provide to the Alberta public - information, education, legal advice, legal representation and/or other support or assistance related to legal problems. The map will include the central services provided by *pro bono* initiatives, clinics, public legal education services, courts, legal aid, the private Bar and social services relevant to the needs of users of the justice system, and will extend to civil, family, criminal and administrative justice programs.

A 'mapping process' is a form of needs assessment research that takes a collaborative network approach to creating a picture of what programs and services exist, and how they are experienced. This process will also reveal strengths in current programs on which to build and gaps in services that need to be addressed in order to improve the administration of justice in Alberta.

There is growing empirical evidence that the majority of Canadians lack knowledge and understanding of the justice system, its processes, and how those processes relate to their legal issues. Public participants in the *Civil Justice System & the Public* research by the Canadian Forum on Civil Justice, invariably told us they knew little about the civil justice system and had not recognized a need to gain that knowledge before they became personally involved in a legal dispute. As a result, the public typically seeks information about the civil process while under stress and experiencing serious social and/or emotional crisis. Other research confirms that many people with legal problems do not recognize their need for legal assistance or do not know where to begin in seeking legal information and representation. This province-wide mapping project will involve funders, government, legal service providers, educators, law reform organizations, the Bar, the judiciary, courts administration and the public in a joint initiative. The project takes a collaborative approach designed to strengthen relationships within the Alberta legal community, provide increased understanding of existing legal services and of the needs of the citizens who use them, and help to ensure that the way of doing business evolves into a coordinated, effective and user-focused approach.

Three broad research questions are posed:

1.   *What programs, services and facilities relating to the administration of justice, public access and public understanding, are available in each Alberta judicial district?*
2.   *What do we know about the users of current legal education, information, advice, representation and support services?*
3.   *How can current legal services be enhanced to better meet client needs and how can service gaps be effectively filled?*

The answers to these questions will provide information that is much needed by policy makers, program designers, service providers and users. The information gained will assist in:

> • enhancing existing programs and services that work well;
> • shifting resources where duplication is identified;

- creating new programs and services where gaps exist, and
- identifying needed changes to current law, rules and practice.

Central products of this research will be an assessment of the effectiveness of current services and the identification of service gaps which need to be addressed. This will enable those who provide services to ensure that their programs are designed to meet the needs of users.

The Alberta Law Foundation has committed to provide significant funding which will allow us to complete a crucial pilot of this multi-year project, and will actively participate as a partner in the project. Alberta Justice is also providing funding. The project is expected to be of central interest to other Alberta justice community stakeholders it provides an opportunity to jointly undertake a concrete initiative that will provide information critically needed by both the justice community and the Alberta public.

A collaborative approach is taken with the expectation that each representative will participate as they are able to as the project develops. In this regard, we have adopted a definition of collaboration developed and applied in previous projects:

> *Working together in a cooperative, equitable and dynamic relationship, in which knowledge and resources are shared in order to attain goals and take action that is educational, meaningful and beneficial to all. It is understood that this definition entails that research is conducted with, and not on, the community; and that all collaborators have different but equally important knowledge and resources to share and gain from each other.*

For more information about the *Alberta Legal Services Mapping Project* please visit our website at www.cfcj-fcjc.org or by e-mail or telephone to the Canadian Forum on Civil Justice contacts listed below.

[Contact information]

Introductory Letter to Key contacts CJSP

[Organization/project address etc]
Dear [Key Contact]:

I am writing to introduce myself and request an opportunity to meet with you to speak about a tremendously exciting and important research project that the Canadian Forum on Civil Justice is undertaking in Alberta and nationally. I am the Research Coordinator for the project. I am hoping that it might be possible to meet with you in the near future. If possible, I would like to arrange a meeting between [dates]. Alternatively, please suggest a date and time that is convenient to you.

In anticipation I would like to provide you with some background information and materials. The Forum has received funding to conduct a three year, national research project which will focus on communication between the civil justice system and the public. The purpose of the research is to study the current state of communication, to identify best practices in communication, and ultimately to evaluate those best practices through demonstration projects implemented in Courts across the country. Our goal is to improve communication between the courts and the public by improving meaningful public access to the system.

The Forum is the lead partner of a large collaborative research team that includes a number of academics from the University of Alberta, the Public Legal Education Association of Canada and member agencies, the Canadian Association of Provincial Court Judges, the Canadian Judicial Council, the CBA National, the Association of Canadian Court Administrators, the Canadian Institute for the Administration of Justice, Justice Canada, the Canadian Centre for Justice Statistics, the Alberta Law Reform Institute, the Legal Aid Society of Alberta, and the Yellowhead Tribal Community Corrections Society. The project will be conducted as an "appreciative inquiry" which taps knowledge about effective communication practices that already exist within the justice system. As such, we will be interviewing the professionals who work in the civil justice system including members of the judiciary, lawyers who represent the public and are often the primary contact between the civil justice system and the public, court administrators, librarians, legal aid workers, native court workers, public legal educators and members of the public who have been in contact with the system. We will be asking about their experience with communication between the civil justice system and the public including perceptions of barriers in communication and best practices in communication. We will invite members of the professions and the public to continue to be involved in the study as part of focus groups that will assist us with the evaluation of demonstration projects implemented in the second phase of the research. We will be seeking out courts in which demonstration projects can be implemented and measured.

I am enclosing a brief abstract which describes our research project, and the Information Sheet and consent form which we will provide to the professionals who agree to be interviewed. The research in the Alberta courts is now beginning. The meeting I am requesting would allow me an opportunity to introduce myself in person, provide you with further detail about the research, and to request the support and involvement of [organization].

I look forward to scheduling a time when we can meet.

Yours truly
[Direct contact information of signatory]

Invitation to Collaborate ALSMP

[Org/project details]
Dear [Key Contact]

Re: Alberta Legal Services Mapping Project

The Canadian Forum on Civil Justice (the Forum) is co-ordinating the *Alberta Legal Services Mapping Project*. This is a major action research initiative in association with a broad collaboration of justice community representatives from Alberta and across Canada, and we are writing to invite your participation.

This project will lead to the creation of a province-wide 'map' of legal services that will provide the Alberta public, service providers and policy makers with a full understanding of information, education, legal advice, legal representation, dispute resolution services and/or other supports relating to legal problems. This process will also reveal program strengths on which to build, and gaps in services that need to be addressed in order to improve the administration of justice in Alberta. The project will be conducted systematically, mapping each of the eleven provincial Judicial Districts in turn. The first phase will be conducted in the Calgary Judicial District. The map will extend to civil, family, criminal, and administrative justice programs and services.

We have established a group of Research Directors which include representatives from the Alberta Law Foundation, Alberta Justice, Alberta Legal Aid, the Edmonton Community Legal Centre, Calgary Legal Guidance, and the Forum. Initial funding for this four-year project has been provided by the Alberta Law Foundation.

We plan to establish a broad collaboration of organizations interested in improving the justice system, as well as national justice community organizations that will both participate in this Alberta-focused project and will consider establishing similar programs in other Canadian jurisdictions. As a valued justice community stakeholder, we would like to invite you to participate in the Project. As a collaborator, we will keep you apprised of Project developments, will provide regular updates and gratefully receive any feedback that you may have.

If you would like to take a more active role in this Project, we invite you to participate on the Advisory Committee for this project or the Community Working Group that will be formed as each Judicial District is mapped. Your active involvement would greatly assist the Research Directors and staff as the project moves forward, and help to ensure that the products of this project are of the highest quality.

Advisory Committee members will contribute throughout the Project in a variety of ways, including: providing subject-matter expertise; entree to key organizations, individuals and data; guidance on research approaches; and feedback on research findings. We anticipate that the Advisory Committee will meet two to four times each year, and that members of the Committee may also participate between meetings, by e-mail or telephone communications, from time to time.

The Community Working Group members will participate as we map their specific Judicial Districts by providing knowledge and guidance. We anticipate that Community Working Groups will meet approximately once each month during the period that we are mapping their respective

Judicial Districts, and that members will participate by e-mail and telephone communications as required.

This groundbreaking project will provide valuable insight into available legal services as well as into public perceptions of legal services in Alberta. I am enclosing a brief introduction to the research which summarizes the proposed approach, purpose, and anticipated outcomes. The full project proposal is available online at: http://cfcj-fcjc.org/research/mapping-en.php. You may also be interested in a report we produced last December on a similar mapping project focused on Self Represented Litigants' services in three Alberta court sites, which is available online at: http://cfcj-fcjc.org/research/srl-en.php#2.

We do hope that you will consider joining our collaborative venture as your perspective is valued and important in guiding this project. If you have any questions about this project, please contact myself or the Project's Research Coordinator, Glynnis Lieb. She can be reached by telephone at [number] or via email at [e-mail address].

Please advise us of your interest and the capacity in which you wish to participate as soon as possible. We hope to hold our first Advisory Committee meeting in January. We would like to begin the advisory process by asking you to complete the enclosed questionnaire, which will greatly assist us in establishing the foundation for this collaborative undertaking. We are looking forward to your response.
Yours truly,
[direct contact information for signatory]