



Review of the implementation of evaluation clauses in the Federal Administration

Key facts

The principle of checking the effectiveness of the measures undertaken by the Swiss Confederation has been enshrined in Article 170 of the Federal Constitution since 1 January 2000. More than a hundred different laws and ordinances contain what is known as an "evaluation clause" requiring the Federal Administration to assess the effectiveness of its programmes and measures. The main purpose of this status report is for the Swiss Federal Audit Office (SFAO) to examine whether these clauses are actually being implemented and their compliance monitored. It also attempts to answer the question whether the evaluations have led to recommendations and whether the findings are published. The review finishes with some SFAO comments on the benefit of evaluation clauses.

The SFAO analysed the evaluation practice in the Federal Administration by studying the list of evaluation clauses in the federal legislation as well as a list of the evaluations carried out over the period 2006 to 2009. A survey was also conducted among 27 federal offices concerning the implementation of evaluation clauses and their impacts and benefits.

The phrasing of evaluation clauses is often unclear

The SFAO found that numerous evaluation clauses contained in legal texts are not clearly formulated. A number of different terms are used such as effectiveness, efficacy, cost efficiency and occasionally other terms such as controlling and monitoring. Due to historical reasons, the phrasing of these clauses tends to be very inconsistent and often imprecise, leading to many ambiguities during implementation. The clauses that were drawn up more recently – mostly after the new Federal Constitution came into effect – are formulated more precisely.

Different contents in the evaluation clauses

Only in 62 of 115 evaluation clauses is evaluation explicitly referred to in the sense of an appraisal of effectiveness. The remaining provisions either deal with controlling and monitoring requirements or have a supervisory function. The 62 clauses gave rise to 116 evaluations over the period 2006 to 2009. Only the politically relevant investigations are included in the Annual Report of the Federal Council.

Evaluations spread unevenly across the federal departments

The SFAO's review found that the evaluations are distributed very unevenly across the Administration's different areas of authority. The highest number of evaluation clauses was recorded by the Federal Department of Home Affairs and the Federal Department of Economic Affairs, with a very broad range of themes. The areas of healthcare, commerce, education & research, business, environment & regional planning, social welfare and international relations are covered most extensively by evaluation clauses and impact analysis studies. This distribution reflects the reality of subsidies. Evaluation clauses are contained in the individual subsidy laws, often with no correlation to the weighting in terms of financial policy of the federal task.

The federal offices have overall responsibility and produce the evaluation mandates on their own.

The SFAO ascertained that the evaluation clauses are correctly applied and implemented in the Federal Administration. The federal authorities monitor the execution of the evaluation clauses. Most evaluation mandates are formulated by the federal authorities themselves, while the actual evaluations are for the most part carried out by private agencies, thereby ensuring a certain amount of independence from the commissioning client. In around 80 percent of cases the main recipient of the reports is the executive arm, i.e. the federal offices, departments and Federal Council. Only seven percent of reports reach the parliament. The main purpose of the reports is to optimise implementation and ensure accountability. The results and recommendations are used to argue the case for the financing of framework programmes and amendments to the law. Unfortunately not all evaluations are archived as per recommendations in the ARAMIS database maintained by the State Secretary for Education & Research. In addition, the new central public repository of all reports of the Federal Administration that opened on 1 January 2010 at the Federal Chancellery does not yet contain all the recently completed evaluation reports.

The main purpose of the evaluation clauses is to optimise law enforcement

The federal authorities see the benefit of the evaluations as lying in the optimisation of enforcement in 45 percent of cases, and in accountability and reporting in 35 percent of cases. Nine percent of the evaluations result in an amendment to the law. In the remaining cases they are used as justification for the financing and continuation of federal programs and measures. The SFAO was able to establish that these federal authorities had managed to build up an actual evaluation culture.

The federal offices benefit most from the evaluation clauses

Since the responsibility for issuing the mandate and performing evaluations lies with the federal office and the results of the report are addressed primarily to this office, the main beneficiaries of evaluation clauses are ultimately the federal offices. In offices where there are no evaluation clauses, there is a risk that no effort is made to check and question tasks. The SFAO found that the implementation of the recommendations was not consistently monitored in every case, in contrast to the evaluations carried out by the SFAO and the Parliamentary Administration Control.

Risks

The analysis has shown that political bodies throw a positive light on many evaluations, depending on the intended purpose in each case. The conclusion is often drawn that there is no need for action at present for various reasons – either explicit or unnamed.

Because the phrasing of the evaluation clauses is often imprecise, the responsible federal authorities tend not to critically question their activities, but to use an evaluation to try and legitimise them. The SFAO identified a trend for bodies to interpret evaluation clauses in a way that is biased towards their own interests and to use the results of the evaluation to their advantage in an opportunistic manner in the political process. Evaluations can also degenerate into bureaucratic exercises. Furthermore, it is not always possible to demonstrate the added value.

Benefits of the evaluation clauses

On the one hand evaluation clauses force the Federal Council and Administration to demonstrate the benefits of federal measures and if necessary to submit proposals to Parliament for the law to be amended. They are useful if they encourage the prudent use of resources, increase the effectiveness of state measures and help political decision-makers to concentrate limited resources on priority areas. But this requires clearly formulated evaluation clauses that result in meaningful evaluations. The results need to be published. On the other hand, evaluation clauses are not an essential precondition for carrying out evaluations. They do however promote an evaluation culture that questions the effectiveness and necessity of a federal measure.

SFAO recommendations

Based on the results, the SFAO submitted various recommendations for the attention of the federal departments, Federal Chancellery and Federal Office of Justice. In particular, the evaluation clauses need to be formulated more precisely. The federal authorities should publish the results with an official comment. To increase transparency, the evaluation should be entered in the ARAMIS database and published on the website of the Federal Chancellery in a user-friendly format.

In general the offices concerned agree with the orientation of the recommendations, however do not inform how they intend to implement them. Their comments are in the annexes 6 and 7 of the report. The Finance delegation of the Swiss Parliament has taken notice of the audit results and will follow up the implementation of the recommendations.

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