

Informed Consent - Lessons Learned at SPU

Seattle
 Public
Utilities

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Purpose:

- Hear about what SPU learned about effective public engagement by using the informed consent method of citizen participation

- Training by the Institute of Participatory Management and Planning
Developed by Hans and Annamarie Bleiker

Why did SPU do require Informed Consent training?

- Almost a billion dollar budget – most in CIP
- Deliver the highest value to customers
- Ability to accurately, predictably, and transparently estimate project costs and schedule
- Cost effective in our delivery of projects
- Able to report on cost, schedule and scope status all along the way, in order to achieve transparency and allow for the earliest course corrections
- Have high confidence that the projects we deliver meet project goals, objectives, and service levels

Today's goals and objectives

Be able to identify the four key elements for developing “Informed Consent” by the end of this presentation

What is Informed Consent?

-How do you develop Informed Consent?

-Is there a “right” way and a “wrong” way to achieve Informed Consent?

Definition of “Informed Consent

Informed consent is the grudging willingness of opponents to (grudgingly) “go along” with a course of action that they – actually – are opposed to.

-From the Institute for Participatory Management and Planning

Question: Why should you do Informed Consent?

Answers:

-Your mission gives you a lot more responsibility than it gives you power – ultimately, you are only as effective as you are persuasive – that’s why you need people’s Informed Consent...

-You have to develop the informed consent of your publics ...i.e. of your Potentially Affected Interests

Systematic Development of Informed Consent

No matter what else you are doing, make sure you get all your Potentially Affected Interests (PAIs) to understand the following four facts:

1. There is a serious problem – or an important opportunity- one that just has to be addressed

Process for arriving at Informed Consent (con't)

2. You are the right entity to address it, in fact, given your mission, it would be irresponsible if you did not address it

Process for arriving at Informed Consent (con't)

3. The way you are going about it...the approach you are using to address the problem...is reasonable, sensible, responsible

Process for arriving at Informed Consent (con't)

4. You are listening... You do care... about the costs and other negative effects your proposal will have. If what you are proposing is going to hurt people, it's not because you don't care, it's not because you're not listening – it's because there is a problem (or opportunity) that just had to be addressed, and because it would be irresponsible if you didn't tackle it.

Why focus on these four points?

These questions probe how well, or how poorly, you are following the process. You have not accomplished the four points until they click in the minds of all your Potentially Affected Interests (PAIs)

The core of Informed Consent is Citizen Participation

Public officials and professionals tend to feel:

- That they do understand a particular problem, and that the public does not
- That they do understand what the available options are, and that the public does not
- That they do understand the consequences or impacts, that are associated with each available option, and that the public does not...Why projects and programs get stopped

Principles of Citizen Participation

Why your project and programs get stopped

- Today it is very easy to stop a project; it is even easier to stall a project
- Citizens have learned that *no issue is impossible to fight* if it threatens the stability of a neighborhood or a community
- Lay citizens and other private interests have learned that they don't necessarily have to take "No" for an answer

Why your public wants you to be Reasonable and Responsible,...even if they are not

-In the final analysis, the public is reasonable, and more important, expects you to be reasonable

-While various interest who make up the public are capable of making requests, voicing desires, listing what wants and needs that are quite unreasonable, in the end, the public is capable to discern between the needs that are legitimate and those that are not

-Interests who refuse to participate early in a projects planning process, i.e., during the true problem-solving part of the process – but who are full of objections to any solution that the agency or anyone else proposes, lose a lot of their credibility in the eyes of the public – provided it is clear ton all that their participation was actively solicited and that they actively refused

(The lesson for the public agency isn't one of how to destroy the objector's credibility, but one of why it may be doubly important to actively solicit the potential objectors participation from the outset)

What really counts is “Informed Consent”

-If the public perceives the decision-making process to be “fair”, it is willing to live with a project that impacts different interests un-equally

-Whether an interest will be willing to accept a particular solution to a problem depends not just on what the solution looks like, but on whether it feels that the solution is being “imposed” on it

-The public at large, and the various interests who make up the public, are willing to suffer personal losses and hardships that may result from a plan or project, provided certain conditions are met

- It is virtually impossible to solve big and/or complex problems without having adverse effects on at least some interests. Consequently, no project can get unanimous support of all affected interests
- Choosing the “best” course of action, from among the alternative solutions the staff has developed, is essentially a political process for the community - the final test of your CP effectiveness

Some of the basics of “How CP Works”

- Citizen Participation inevitably includes a certain amount of conflict between a public agency and some of the private interests
- It is very difficult to collect and communicate information about people’s values

Citizen Participation Objectives

Your ability to get the fiercest opponents to not use their veto power over your project has to do with 15 specific CP objectives – make sure your citizen involvement achieve these objectives:

Five Responsibility/Legitimacy Objectives . . . that your CP Program MUST achieve:

- 1. Establish the Legitimacy of your Project and your Agency.*
- 2. Maintain that Legitimacy over time . . . Prevent its erosion.*
- 3. Establish the Legitimacy of your Processes and Procedures.*
- 4. Maintain that Legitimacy over time . . . Prevent its erosion.*
- 5. Establish and Maintain the Legitimacy of Earlier Decisions and Assumptions.*

***Five Responsiveness/Sensitivity Objectives . . .
that your CP Program MUST achieve:***

- 6. Get to know all the Potentially Affected Interests*
- 7. Get to see the Project, the Agency, . . . the World
. . . through THEIR eyes.*
- 8. Help identify all Potentially Relevant Problems*
- 9. Help generate Solutions . . . and partial Solutions.*
- 10. Articulate and Clarify the Key Issues.*

Five Effectiveness Objectives . . . that, if not achieved, interfere with achieving the first ten

11. Nurture and Protect your Credibility.

12. Have your Communications Received and Understood by the PAIs who need to understand them.

13. Receive and Understand the information that You need to Receive from PAIs

14. Search for Common Ground among PAIs who have conflicting, polarized Values.

15. Mediate between PAIs who take Polarized positions even though they don't have polarized Values.

Video Clips

1. [The public meeting](#)
2. [Alternatives to the public meeting](#)
3. [Shifting to trust](#)
4. [Relational approach](#)
5. ['over my dead body'](#)

Q&A