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Auditor General
of British Columbia

Public Participation:
Principles and Best Practices
for British Columbia

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The Honourable Bill Barisoff
Speaker of the Legislative Assembly
Province of British Columbia
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Dear Sir:

I have the honour to transmit herewith to the Legislative Assembly of British Columbia my 2008/2009 Report 11: Public Participation: Principles and Best Practices for British Columbia.

John Doyle, MBA, CA
Auditor General of British Columbia

Victoria, British Columbia
November 2008

copy: Mr. E. George MacMinn, Q.C.
Clerk of the Legislative Assembly

Table of Contents

Auditor General’s Comments 1

Detailed Report

- Background 5
- Purpose and scope of this study..... 9
- Observations and recommendation 11
- Response from Government 13
- The Canadian perspective on public participation 15
- A proposed public participation framework 21
- The approach to public participation in British Columbia 35

Auditor General's Comments



John Doyle
Auditor General

There is much to be gained in having strong citizen-centred, public engagement. It serves both the public sector and the citizens to have policy direction, programs and services that demonstrate and best reflect the needs of the electorate. Effective public participation is increasingly seen as an integral part of a strong governance framework for government.

An effective public participation process is based on principles of transparency and openness. The optimal result is that both government and citizens have confidence that the recommended direction is sound and best reflects the public interest. Getting public participation right is essential, including striking the right balance amongst competing priorities of government; being clear to the public about what can and what cannot be accomplished in the short term. Getting it wrong simply frustrates all participants—government and the public—and requires time to rebuild the trust required to engage successfully.

I asked my staff to undertake this study because I wanted to understand the appetite in Canada—both by the public and their governments—for public participation. A number of reports my Office has recently produced, combined with requests for investigation we have received, suggest an increasing expectation by the public to have a say in the decision-making processes of government. I also wanted to see how governments strong in public participation practice were approaching this issue.

This study is based on research about what is happening in British Columbia, elsewhere in Canada, and in other countries. The study sets out Canadian findings as background. Using these findings, I have proposed a public participation framework for the British Columbia public sector based upon what is working well here, across Canada and abroad. This framework is intended to assist the public sector in the design and delivery of public participation. It also serves as a benchmark of what good practice entails.

The British Columbia government is already undertaking consultation in many areas. I wanted to see whether this consultation was based upon principles and best practices and that there was appropriate guidance given to help equip government staff to successfully complete a public participation exercise.

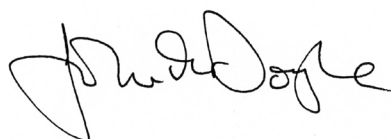
Auditor General's Comments

This study summarises our key observations and provides recommendations from our survey of public participation in the British Columbia government.

I am pleased that government's response supports the use of public participation. However, the response is unclear how this support will address our main observations. In particular, the issues of building capacity to conduct public participation and consistently using public participation across government need to be addressed. I look forward to seeing how government will act on these important issues.

This study is the precursor to a report on public consultation. The report will build on this work by looking at how well government's public participation practices meet the principles highlighted in this study.

I would like to thank the staff of the ministries and organizations we spoke with—both within the British Columbia government and other Canadian governments—for the cooperation and assistance they provided to my office to complete this study.



*John Doyle, MBA, CA
Auditor General of British Columbia*

*Victoria, British Columbia
November 2008*



Detailed Report



What is public participation?

When a government reaches out to private or public organizations or directly to the public to seek their participation in the decision-making process, the government is said to be engaging in *public participation*. Public participation is sometimes also referred to as public consultation or public engagement. Typically, participants in the process are lobbyists, interest groups and citizens who are most likely to be affected by the matter under consideration.

Public participation denotes a range of public involvement, from simply sharing information about a pending decision (informing) through to creating a partnership arrangement, one based on mutual trust, information-sharing and a willingness to agree on a course of action together. Exhibit 1 (on the following page) shows the whole range of participation opportunities and the objectives at each level.

Why might governments use public participation?

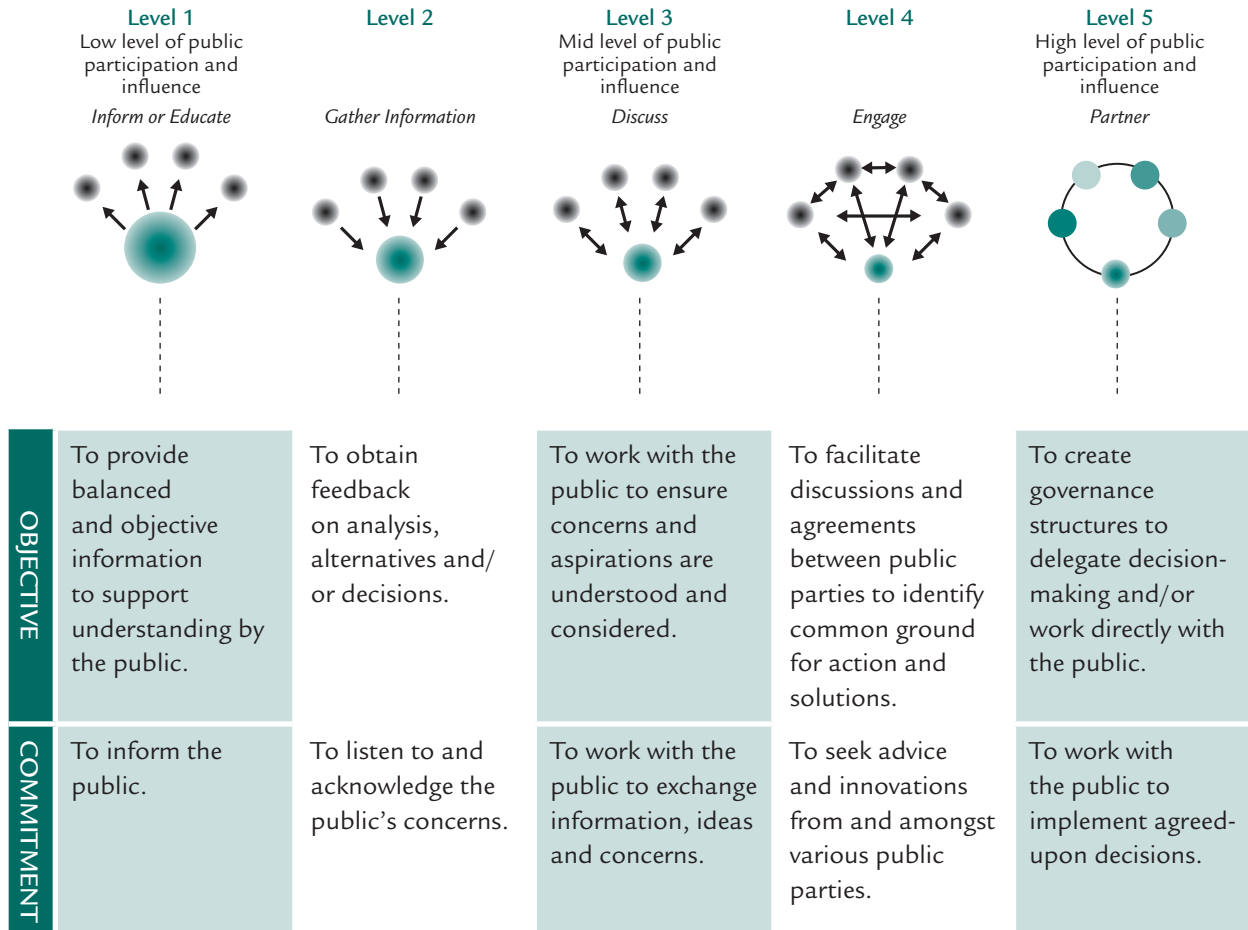
Government is normally under no formal obligation to engage citizens between elections, unless it has been required to do so by the courts, legislation or other requirement. Most governments, however, recognize the value in aligning their decisions with the views of the electorate. The public are usually more satisfied about a government decision if they understand it was made by taking into consideration the views of those most affected. For these reasons, governments are increasingly engaging the public in a range of public participation activities in order to be more transparent and demonstrate that significant decisions have been made with external views in mind.

Public participation cannot be undertaken lightly. Expectations may be unrealistically raised unless government is clear from the outset about what exactly is being sought and what weight it will place on the input it receives. Good public participation practice therefore begins by making the objectives clear in advance, and by letting the participants know how their input will be factored into the final decision. The courts have recognized that in the context of Aboriginal rights, government has to do more than simply have a process in place where concerns are raised. They must also consider how to accommodate those concerns.

Background

Exhibit 1

The Public Participation Continuum



Source: Adapted from Health Canada and International Association of Public Participation

Background

Getting public support for technically appropriate, but potentially unpopular, decisions is another reason to undertake public participation. In many cases, decisions or projects are delayed because the “political climate” is not conducive to making any decision. Experienced decision-makers view public participation as a way to manage in these settings.

With most decisions government makes, there are both winners and losers. While it is seldom possible to address all stakeholder groups concerns, the public’s acceptance of a decision often depends on the perception of how well the decision-maker worked with stakeholder groups and/or the public to reasonably weigh the concerns expressed in arriving at the final decision.

Public participation, then, is part of the process by which governments identify common ground for action. Few significant societal problems today can be solved by government actions alone. Public participation helps find solutions to complex problems by bringing government together with those who have an interest, and a part to play in the outcome of its decisions.

The most common reasons government organizations use public participation are to:

- raise awareness of an issue or pending decision;
- provide information on complex issues before a decision or to correct misconceptions;
- demonstrate that the government is taking action on a particular issue;
- collect information that is held by those to whom the public participation is directed;
- develop a series of options and determine the preference of various public parties;
- facilitate dialogue between, and amongst, stakeholder groups and members of the public so that each might better understand and respect each other’s position and interests;
- partner for the purpose of collaborative decision-making and implementation; and
- empower the public to be involved in the decision-making process.

Purpose and scope of this study

Effective public participation is becoming an important consideration for government as the public and stakeholder groups increasingly expect to be involved in government decision-making. As well, governments increasingly recognize the value of public participation and its use as a tool for strengthening trust and confidence in the decision-making process. In British Columbia, government has committed to accomplishing its goals and priority actions in partnership with citizens and stakeholder groups.

We therefore undertook this work to:

- better understand public expectations regarding involvement in government decision-making;
- develop an appropriate framework of public participation for British Columbia based on current best practice;
- determine whether the provincial government is clear about why and where it should use public participation; and
- establish a reasonable standard to be used in assessing government's public participation practices.

As discussed above, there are a number of reasons why government engages citizens and stakeholder groups before making a decision. In some cases, consultation is mandated by the courts or established through legislation. In other cases, it is adopted as a "discretionary opportunity" to engage and involve a broader audience in shaping the decisions of government. Our review focussed on understanding best practices in the latter cases. Our first step was to identify these practices across Canada, and use them to develop a framework for public participation consistent with these findings and other best practices. We then examined existing practices in British Columbia and have highlighted our observations at the end of the study.

Our work was carried out between April and August 2008. The information gathered came from documents and interviews with ministry and government staff in British Columbia, across Canada and overseas.



Observations and recommendation

Our observations are set out in two parts. The first relate to best practices in public participation across Canada. The second concern current public participation practices being used by the British Columbia Government. Set between these observations is a proposed framework that incorporates best practices in this area.

Main observations related to public participation across Canada:

- The Canadian public desires greater participation in government decision-making.
- The public are generally satisfied with their participation experiences, but disillusioned with the results.
- Successful public participation is guided by well-defined principles.
- Public participation makes decisions more durable.
- Public participation is becoming viewed as an instrument of good governance.

Observations and recommendation about existing public participation practices in British Columbia:

- The British Columbia Government's core values support the use of public participation, but these values have not been translated into principles for conducting public participation.
- The British Columbia Government is conducting public participation, but no formal government-wide guidance is available to ensure a reasonable process is followed.
- The British Columbia Government has no process to ensure a consistent approach to public participation across government.

We recommend the British Columbia Government endorse the proposed public participation framework as a basis for engaging the public.



Response from Government

The Government appreciates the thought-provoking and interesting report provided by the Office of the Auditor General. Public engagement is a timely topic and one that this Government strongly believes is critical to effectively make decisions.

We agree with the characterization of public engagement as being on a continuum, starting from informing the public through to collaboratively identifying solutions to significant public policy issues. Whether it is informing the public of government decisions through publicly available reports, such as B.C.'s Water Plan or the Climate Action Plan, or collaboratively determining the direction of health care through the Conversation on Health, we have and continue to engage the public across a broad range of decisions and policy issues along the continuum.

The common principles of public participation outlined in the report are ones that the Government endorses when engaging the public prior to a decision being made. Additionally, the seven steps provide a useful framework for designing a public engagement process. Government will take this guidance into consideration when determining where and how the public will be engaged.

Government agrees that a consistent approach to engagement across all agencies is advisable, but believes that this approach is appropriate only in certain circumstances. For example, where government engages as a result of a regulatory or legal requirement, consistency should be the rule.

However, as government engages on a wide variety of issues and across the public engagement continuum, flexibility is key to ensure that the engagement design and methods can fit the appropriate circumstances. It is also key for government to be able to determine where public engagement would be most beneficial and cost-effective.

In conclusion, Government believes that the Auditor General's report provides useful guidance on how to engage the public. This guidance will be distributed to all ministries as information to consider when designing public engagement process.

We thank the Office of the Auditor General for its work.



The Canadian perspective on public participation

In surveying the state of public participation by governments across Canada, we examined the public's interest in getting involved in government decisions that affect them and their satisfaction with the results. We also looked for best practices in public consultation within the Canadian public sector. Our key findings are summarized in this section.

The International Association of Public Participation outlines five major steps and 21 different activities required to plan and manage public participation initiatives. In the second step, "Learn from the Public," the decision-maker engages in discussions with the public and stakeholders to:

- understand how they perceive the decision;
- develop a list of who will be affected by the decision; and
- confirm and communicate the scope of the pending decision.

Only after this step has been completed can the decision-maker move to the third step, "Select the Level of Participation," to communicate with and manage the expectations of those who will participate.

These two planning steps are often overlooked: many organizations simply default to using the same standard participation process every time even though it may not be appropriate for every intervention. One of the main reasons participants give for feeling dissatisfied with the outcome of their involvement is the failure by the decision-making organization to communicate the scope of the decision and the extent to which the decision-maker will be influenced or bound by the public's input.

The Canadian public desires greater participation in government decision-making

We found that a growing number of Canadians expect to be involved in government decisions that directly affect them. Several trends contribute to this growing expectation. One is that the public has easier access to greater amounts of information than ever before. Another trend is rising education levels, combined with a younger retirement age, which means that more people are willing to get involved with the issues of the day. Increasingly, Canadians communicate directly with their governments and expect their views will be considered in decision-making.

The Canadian perspective on public participation

As surveys show, Canadians believe a collective approach to problem-solving and decision-making is the best way to solve national problems. The vast majority of Canadians surveyed indicated they would feel better about government decision-making if they knew that governments sought informed input from average citizens on a regular basis.

Demand for public participation is influenced most by the significance of the pending decision. The public is likely to demand a say in decision-making wherever impacts are direct and negative. Examples include areas where the public may be faced with additional financial burdens, a limitation of rights or freedoms or reduction of services and where there may be harm to the environment.

When invited, the public are more likely to get involved in public participation when the process is face-to-face, and when they are able to speak directly with the government officials responsible for the pending decision or with those who are seen to be expert in their field. Discussions with these officials are seen as an important way to influence decision-making. Generally, citizens are not likely to participate when the only means of participation is through the Internet.

Citizens believe that access to focused, government-held information is required as a basis for well-informed discussions. The likelihood of participation increases when people receive succinct and decision-focused information in advance of discussions, and when those participating are assured that the input provided will be summarized afterward in writing and made available to them.

The public are generally satisfied with their participation experiences, but disillusioned with the results

According to surveys, when the public and stakeholder groups participate in discussions with government, they say the process by which they were engaged was solid but the results were often not. Public dissatisfaction can arise when governments have not done a good job of communicating the scope of issues it intends to consult on and how it will use the input that it receives. Although decision-makers cannot guarantee the input received will be implemented, they can demonstrate the public has been heard during the participation process.

The Canadian perspective on public participation

Some organizations publish a “what was heard” report directly after each public participation intervention. Examples are transcripts and the synthesis-of-views reports typically produced by legislatures within the context of their public hearings. Participants then have the opportunity to confirm the accuracy of what was reported. This practice not only demonstrates the decision-maker was listening, it also provides a foundation for communicating the rationale for the ultimate decision and for explaining why certain, potentially popular, solutions were not embraced. Failure to adequately follow-up creates the risk that participants perceive their input has been disregarded and that the whole exercise is simply “window dressing” to legitimize the decision. Lack of follow-up with participants is often cited as the single greatest weakness in the overall participation process and erodes the credibility of the exercise.

There is a significant difference between “stakeholder group” and “public” participation. We found that governments consider reaching out to the general public to participate in decision-making to be a risky exercise. Two reasons cited were the potentially higher costs of providing a fair and comprehensive public process, and that interaction with the wider electorate may produce unforeseen political consequences, beyond the decision-makers’ mandate. This may explain why governments have been reluctant to more fully embrace public participation.

Successful public participation is guided by well-defined principles

Organizations that regularly undertake public participation typically establish a set of principles for how staff should undertake public participation interventions. An example from the City of Calgary is in Exhibit 2 (on the following page). Articulating the principles an organization is committed to guides staff on when and how to engage in a public participation exercise.

Establishing a set of principles is an important first step in embedding a culture of public participation within an organization. Such principles:

- become the basis of a commitment to the public and stakeholder groups about how government will use public participation to support decision-making on an ongoing basis;

The Canadian perspective on public participation

- help establish shared expectations and a standard vocabulary, so discussions about the need to undertake public participation, and to what level, can be both open and business-like; and
- improve the effectiveness of the working relationship between elected officials, senior managers and their staff.

Exhibit 2

The City of Calgary's five "engagement cornerstones"

Many governments across Canada have established varying degrees of internal guidance as to when and how to participate with the public. Guidance typically includes policies and sometimes protocols that help determine when public participation is desirable and when it is necessary. Although there is variance in the level of detail provided by different governments, a list of guiding principles is a consistent element. The City of Calgary's five "engagement cornerstones" is an example of the most common principles guiding many public participation programs in Canada.

engage! Cornerstones

Accountability

Demonstrating that results and outcomes are consistent with promises.

Inclusiveness

Reaching and hearing the voices of those interested or affected.

Transparency

Ensuring decision processes and procedures, and constraints are understood, known and followed.

Commitment

Leading and resourcing appropriately for effective engagement.

Responsiveness

Being accessible to address stakeholder concerns.

Source: City of Calgary

Public participation makes decisions more durable

A durable decision is one that is accepted by those who are impacted by it and one that lasts. Durable decisions are more likely when public participation has occurred. The extent that the public and stakeholder groups support government decision-making is related to the extent to which they believe they own the decision. Participation produces a decision that is more likely to be recognized by a community as its own, and therefore ties a government more closely to its citizens. This in turn provides greater public support for a government's social licence to operate as a policy-maker.

The Canadian perspective on public participation

Governments across Canada recognize that complex social and environmental problems cannot be solved by government alone. Challenges such as reducing health care costs and changes in commuting methods to reduce greenhouse gas emissions require communication and collaboration between those who make and those who are affected by the decisions of government. Citizens have a responsibility to participate in problem-solving, while government should seek policy solutions that serve the public interest. Well-established public participation organizations understand that in order to develop integrated and durable solutions, all factors, including the potential resistance to the ultimate decision, need to be addressed as part of the decision-making process.

Public participation is also an effective way to build the relationships necessary to support durable decision-making and creates a basis for meaningful dialogue. It helps establish trust so that when government requires advice or understanding (such as when considering a controversial decision or event), trust already exists.

Across Canada, where governments believe public participation is essential to durable decision-making, they have created legislation or mandatory guidelines to ensure that the public is involved. This is the case with decisions that might impact the environment, as witnessed by an increasing emphasis on public participation as part of the environmental assessment process. This is also the case with processes to permit resource extraction, build infrastructure, and decisions that affect a particular segment of the population (for example, school closures or health services delivery). All of these legislated requirements are designed to ensure decisions are robust and made after considering the views of those most affected by the decision.

Public participation is becoming viewed as an instrument of good governance

Public participation is seen as an important component of the decision-making process by many governments across Canada. As governments move to value greater public sector transparency and accountability, public participation becomes vital to the governance relationship with its citizens and stakeholder groups.

The Canadian perspective on public participation

“The successful shaping and implementation of public policy hinges on forthright, informed public engagement and dialogue.”

Prince Edward Island
Speech from the Throne,
4 April 2008

“Public participation is now a condition of good governance.”

The Honourable
Shawn Graham,
Premier, New Brunswick,
12 May 2008

“A strong democracy is the basis of the work we do together. Your government will strengthen our democratic institution by consulting Ontarians on electoral and political finance reform.”

Ontario Speech from the
Throne,
12 October 2005

The Office will shortly publish a guide to good governance. In this guide, we will point out that maintaining strong citizen and stakeholder group relationships is one of the key aspects of a strong governance regime. The guide will describe how organizations can work towards achieving strong citizen and stakeholder group relationships. Clearly demonstrating how key decisions are arrived at is part of open and transparent government.

Although most governments are consulting with the public, they do not consistently consider the feedback they receive. Governments need to be clear on how they will consider the input and how they will follow up with the public to demonstrate that they have met their commitments in this regard. Public participation is a mechanism to support transparency and accountability for elected and government officials. It is more than giving information and receiving feedback—it is a deliberate commitment that government makes to its public and stakeholder groups to listen and to be influenced within expressed limits.

Governments in Canada are using public participation to revitalize their relationships with other governments and with citizens. This is particularly important in an era when voter turnout, as one key index of public interest, continues to decline. Politicians seem to be aware of the need. Recent throne speeches from provincial legislatures include commitments to using public participation as a way to establish ongoing dialogue, in order to increase understanding, build confidence and share responsibility for implementing policy decisions.



A proposed public participation framework

Our research found that the British Columbia public sector does not yet have a generally accepted framework for public participation. We researched what other political jurisdictions and organizations in Canada, and around the world, have done in the field of public participation. Many common principles and themes emerged.

This section sets out a public participation framework for British Columbia's public sector, based on those principles and themes, that is designed to assist decision makers to successfully undertake public participation. The framework helps decision-makers to determine when public participation would be an appropriate component of a decision. When it is appropriate, the framework also helps establish the appropriate depth of consultation for the situation. This framework will serve as the basis of our expectations when our Office assesses public participation practice in the British Columbia government in the future.

We recognise that public participation can take many forms. It can be a single initiative (for example, issuing a news bulletin or press release) or it can be multi-phased, inviting the public and stakeholder groups to provide input at several stages in a project. Therefore, any process needs to be sufficiently flexible to cater to the range of public participation settings and must meet the needs of the decision-maker, as well as the needs of those who will participate. Therefore, this framework is not prescriptive, but is based on principles which provide guidance while allowing sufficient flexibility to cater for the wide range of public participation situations.

Begin with principles

Organizations strong in conducting public participation commonly adopt a set of principles to encourage a culture of participation in their organization. Having principles ensures that a common set of values characterize any public participation effort, while permitting the flexibility necessary to cater to the range of public participation settings. In Exhibit 3 (on the following page), we set out six common principles that underpin the framework.

A proposed public participation framework

Exhibit 3

Common Principles of Public Participation

Common Principles of Public Participation	
Authenticity	The pending decision has not been made and the public participation decision-maker commits to be influenced in the decision-making to a specific level that will be communicated in advance.
Accountability	The public participation decision-maker will demonstrate that results and outcomes are consistent with the commitment to public participation that was made to stakeholder groups and the public at the outset of the initiative.
Inclusiveness	The public participation decision-maker will make every reasonable effort to include the stakeholder groups and the public affected by the pending decision.
Transparency	The public participation decision-maker will ensure that stakeholder groups and the public that are affected understand the scope of the pending decision, decision process and procedures, and that any constraints on the decision-maker are known.
Commitment	The public participation decision-maker will provide appropriate time and resources to ensure that those involved can participate in a meaningful way.
Integrity	The public participation decision-maker will address public and stakeholder group concerns in an honest and forthright way.

Guidelines for putting the public participation principles into practice

To apply the public participation principles above, we created the following seven step process. This process was derived from existing best practices in the province's public sector, and in governments across Canada and around the world.

Seven steps for designing a successful public participation

1. Determine who the decision-maker is, what the pending decision is and who will be affected.
2. Decide if public participation should be used.
3. Determine the issues related to the decision for each of the affected parties.
4. Determine the level of public participation that the decision-maker needs and what to consult on.
5. Determine the public participation methods best suited to the needs of participants.
6. Determine how public participation is to support and link to the decision.
7. Determine how the results are to be used.

A proposed public participation framework

A public participation process is never a “one size fits all” approach that can be applied rigidly to every situation. These seven steps provide guidance to ensure the most important aspects of designing a public participation process have been addressed, while allowing for flexibility based on the circumstances. The steps are designed to help staff in decision-making organizations determine, for their particular situation:

- whether public participation should be undertaken for the decision-making matter at hand; and
- if it should be undertaken, how to do so in a way that considers the needs of the decision-maker and the parties involved.

Working Example

To help explain how the framework could be used, we developed a **fictional** situation and have illustrated each step based on that situation.

The situation: Undertaking public participation to support a decision whether to impose a curfew which will reduce the hours when commercial aircraft can fly into and out of a regional airport.

STEP 1. Determine who the decision-maker is, what the pending decision is and who will be affected.

Before determining whether to undertake public participation in support of a pending decision, information must be obtained to assess who might be affected. There are several steps in doing this:

- identifying the ultimate decision-maker (and the authority by which that body or individual will decide);
- drafting a statement that describes the pending decision;
- listing the intended effects and potential unintended effects of the decision;
- identifying the people or groups that will be affected by the decision;
- determining the impacts for each group (positive and negative, direct and indirect); and
- determining the significance of these impacts on each group.

When assessing who might be affected, identify not only organizations but also groups of people and appropriate representatives of those groups. Governments are more comfortable inviting interest groups to participate with them in decision-making.

A proposed public participation framework

This is because it is easier to identify organizations that are involved with the issues being considered and organizations are typically better resourced to participate. Another reason for this is that governments see direct participation with the general public as being higher risk and more costly than when dealing with organizations.

However, citizens impacted by a government decision can sometimes exercise legal rights or successfully lobby to gain access to the decision-making process or to overturn a previous decision. If this happens, decision-making can be delayed or additional costs imposed. Therefore, a comprehensive participation exercise is one that considers how and when the general public could be impacted by a decision and is proactive in inviting their input.

Example: The airport is one of the main airports in the region. Reduced hours from a curfew will positively impact people in the neighbourhood affected by the noise from the airport. It will also impact the number of flights that airlines can schedule. This means they may charge more for remaining flights, an indirect impact. Reduced operating hours will also negatively impact local business people and four exporters who rely on late night flights to transport their produce. The general public also has an interest in the availability and cost of flights from the airport.

The Ministry of Transport has appointed the Director of Civil Aviation for the region as project leader to decide whether to impose a curfew at the airport. She will make a recommendation to the Minister, through an advisory board, under the Aviation Act.

STEP 2. Decide if public participation should be used.

In some circumstances public participation is mandatory. These include when:

1. Regulations require public participation before decision-making.

Staff in decision-making organizations should be aware of the regulatory framework they are working within, in case it imposes public participation obligations. Where public participation is required, the initiative must be well planned and managed to ensure the legal obligations are met.

2. Courts require consultation before decision-making.

The best-known court precedents relate to consulting with Aboriginal Peoples when the pending decision could impact their traditional rights or lands. However, there may be other

A proposed public participation framework

precedents that staff should be aware of. Examples exist where lack of consultation has led courts to grant a judicial review of a decision or action made by a government entity.

This framework is designed for situations when participation is not mandatory. Listed below are four reasons why public participation may be an appropriate support to decision-making. If any one or a combination of these four features exists in a situation, some form of public participation is probably useful. The form of that participation can vary widely, from simply informing the public about a proposed policy through to using a more collaborative approach. The form will be determined later. For significant decisions, the decision-maker should document the reasons for the decision to conduct or not conduct public participation. Where there are broad areas of recurring decisions, the decision-maker should also document their approach. The documented decision (whether to conduct public participation in that broad area) should be periodically reviewed.

1. There is potential for the public to be significantly affected.

According to the International Association of Public Participation (www.iap2.org), in a democratic state, citizens and organizations should be consulted if a government decision will affect them. Furthermore, as research has shown, Canadians increasingly expect to be consulted on decisions that impact them.

2. Government has made a previous commitment to openness and transparency on the issue.

The public and stakeholder groups are effective at notifying their elected officials when issues of concern arise. In such cases, a government may make a public commitment to use its decision-making powers openly, and to involve interested and affected parties before making its decision. If such a previous commitment has been made, then public participation is a way in which government can fulfill its promise of openness and transparency.

3. Unknown public perceptions and other information gaps exist.

In cases before a decision is made, where the decision-maker needs information about the perceptions and values of citizens

A proposed public participation framework

and organizations, public participation is appropriate to gather feedback. In cases where government decision-makers know they lack sufficient information to make a sound decision, the public and stakeholder groups could be appropriate sources of information.

4. Controversy around the issue or decision exists.

Public participation is an effective tool for managing controversial issues. In public policy, there are few single “right” decisions. A decision that fits the views of one group may contradict those of another, creating a perception that there are winners and losers. In these cases, public participation can help interested and affected parties understand the complexity of the decision, support a discussion about the issue and find common ground between the parties to improve the likelihood of a durable decision. Most decisions government makes generate controversy at some level. This does not mean that public participation should be used for all decisions. This would not be cost-effective, desirable or practical. Public participation is for decisions involving controversy of sufficient magnitude, or where it is sufficiently valuable to conduct it.

Example: The Ministry of Transport has the statutory authority to impose airport curfews and has done so for short-term periods at other airports without participation by the public or stakeholders. Because of the potential for the proposed curfew to be permanent, the ministry has decided that it should conduct public participation. There are several reasons for doing this, including, information gaps about the impact on exporters and airlines and the wider public perception of a curfew; the potential for significant controversy; and the risk of creating winners and losers in the decision.

STEP 3. Determine the issues related to the decision for each of the affected parties.

In this step, staff in the decision-making organization should determine:

- how issues relating to the decision are viewed by the decision-maker; and
- how issues relating to the decision are viewed by the public and stakeholder groups.

It is important to understand the history of issues relating to a particular decision from the perspective of both the decision-maker and interested or affected parties. This history indicates

A proposed public participation framework

the positions that each will bring to the discussion. Documenting the issues from the perspective of each party — sometimes called “issue framing” — is an important step to prepare for a facilitated discussion between the parties. Documenting each party’s issues provides the decision-maker with information required to appreciate and articulate the positions of each. This in turn enables staff in the decision-making organization to identify what next steps would be acceptable to the majority of stakeholder groups and the public and so could provide solutions that all parties can agree on.

The only way to determine how each of the affected or interested parties views issues relating to the pending decision is to ask them. Staff in the decision-making organization can use a range of methods to undertake this research, including telephone interviews, focus groups and online surveys.

Example: The Director of Civil Aviation has contacted officials of the major stakeholder groups to request time to speak at their next meeting, or to meet briefly with officials to discuss the implications of a curfew. She has also placed a public notice in both the regional newspaper and the community paper announcing a public meeting where a research team will be presenting the findings of a recent study of curfews imposed at other airports. A discussion will follow about the possibility of a curfew and how a curfew could be implemented. Before both the stakeholder meetings and public meeting she will be calling leading personalities in each of the stakeholder groups to obtain their views on the implications of a curfew and so be prepared for the potential of spirited discussions during her meetings.

STEP 4. Determine the level of public participation that the decision-maker needs and what to consult on.

Before moving ahead, it is important to assess and document the public participation needs of the decision-maker. The decision-making organization must confirm:

- the type and amount of information needed to support decision-making; and
- the form that information must take in order to be credible and meaningful (for example, population-based and statistically relevant), and therefore of use in influencing decision-making.

This step has three sub-steps:

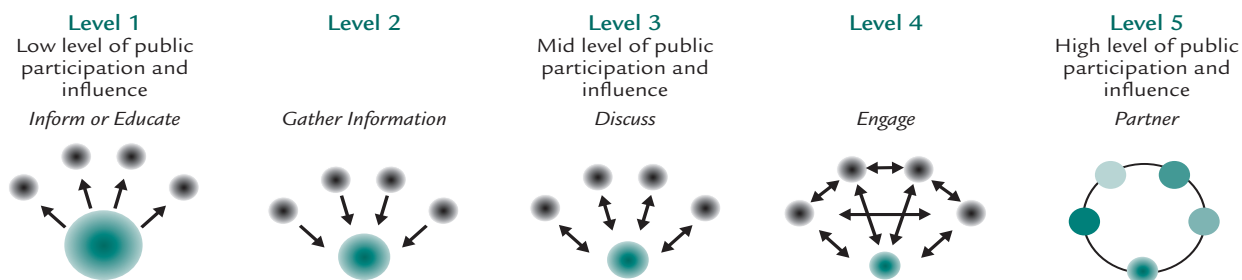
1. determine the level of participation required;
2. document the desired results; and
3. publicize the commitment.

A proposed public participation framework

1. Determine the level of participation required

Each level of the Public Participation Continuum shown below describes a “type” or “depth” of participation that may be appropriate to support the pending decision. For example, if the decision is not controversial and will not create winners and losers, then informing the public and stakeholder groups of the proposed decision and its rationale through a press release or advertising campaign may be all that is required. If, however, the decision will likely create controversy or affect a large segment of the province or a number of stakeholder groups, then the decision-making organization should consider using a more sophisticated approach to participation. As a general principle, the more significant the impact, the greater the need for public participation.

Public Participation Continuum



Source: Adapted from Health Canada and International Association of Public Participation

2. Document the desired results.

The decision-maker needs to be clear from the outset how much they expect to factor in public involvement in support of the pending decision. The objectives listed below outline the general expectation for each level on the continuum. The decision-maker needs to determine the specific results that participation is seeking to achieve. For planning purposes these results should be expressed in terms of outputs (for example, information reports, statistics, agreements) and, where possible, outcomes (for example, increased awareness of the issues or acceptance and respect by the various parties for others views).

A proposed public participation framework

	Inform	Listen	Discuss	Engage	Partner
OBJECTIVE	To provide balanced and objective information to support understanding by the public.	To obtain feedback on analysis, alternatives and/or decisions.	To work with the public to ensure that concerns and aspirations are understood and considered.	To facilitate discussions and agreements between public parties to identify common ground for action and solutions.	To create governance structures to delegate decision-making and/or work directly with the public.

3. Publicize the commitment.

To sustain the relationship with those who took part in the public participation process, decision-makers need to clarify the depth of their commitment early in the process and be held accountable for their performance relating to that commitment.

Commitment may take five main forms, as shown below:

	Inform	Listen	Discuss	Engage	Partner
COMMITMENT	To inform the public.	To listen to and acknowledge the public's concerns.	To work with the public to exchange information, ideas and concerns.	To seek advice and innovations from and amongst various public parties.	To work with the public to implement agreed-upon decisions.

A proposed public participation framework

Example: After a needs analysis, consisting of several meetings with stakeholder groups and a small public meeting, the Director of Civil Aviation has decided that she needs to bring all the parties together at the “engagement” level. To render a durable decision, she believes that all parties need to articulate their positions directly to competing interests and so establish a full and common understanding of interests and an appreciation for the complexity of the pending decision. When she sends a thank-you note to those with whom she met during the previous step, it includes a brief summary of the points that were made and a commitment to “work with those involved, to seek their advice and to bring them together to discuss and develop curfew options”.

STEP 5. Determine the public participation methods best suited to the needs of participants.

Productive participation depends on the decision-maker’s ability to create an environment conducive to promoting meaningful dialogue. These environments are created by designing participation processes that meet the needs of those involved. Matters to consider include:

- What are the social and cultural considerations for those involved in participation?
- Are there issues of timing for those involved in the participation?
- What opportunities or limitations exist for the use of technology?

Social and cultural considerations involve understanding and respecting the cultural profile of participants (for example, avoiding scheduling participation events or deadlines on important religious dates or times for those involved). It also means designing processes that cater to group characteristics. Timing events and deadlines to respect busy periods for participants demonstrates respect and facilitates respectful engagement. For example, attempting to consult about farm-related issues during planting or harvest seasons sends a message that the needs of the decision-maker take priority over those of participants, and does not create an inviting environment or demonstrate respect for the needs of participants. Age, gender and language needs are also factors to consider when designing and facilitating public participation processes.

The Internet can play a role in facilitating participation by interested and affected parties. Use of online forums, surveys and blogs is increasing because they provide quick and inexpensive connection between a decision-maker and participants. Not all

A proposed public participation framework

groups or individuals, however, are capable of participating online and others are not inclined to do so. It is important to use public participation Internet tools that fit with the needs, challenges and preferences of those who will be invited to participate. Follow-up with the target communities to determine the effectiveness of the online exercise can inform the design of future exercises.

Detailed information on public participation processes and how to facilitate meaningful public dialogue can be found at the following organization's websites:

- International Association of Public Participation:
<http://iap2.org/>
- International Association of Facilitation:
<http://www.iaf-world.org/>

Example: Because the region is made up of a small, tightly knit community and rural residents, the Director of Civil Aviation has decided that, to avoid conflict between groups and neighbours, she will undertake public participation at the “engagement” level. Her research to understand the issues has determined that they are diverse and that each party has a low level of awareness of the positions and interests of the others. They will need to discuss the pending decision with other participants and provide input to the decision-maker if they are to recognize others' positions and eventually accept the final decision.

To initiate “engagement,” the Director of Civil Aviation decides to draft a two-page issue paper based on her issue framing findings (Step 3). She sends the paper to stakeholder groups, along with an invitation to attend a “Curfew Summit”. The date of the summit is scheduled to allow stakeholders time to review and think about the issues outlined in the paper. The date of the summit is also announced publicly and the issue paper is sent to members of the public who have expressed interest in attending.

STEP 6. Determine how public participation is to support and link to the decision.

Public participation efforts support durable decision-making by providing timely information at key decision points throughout the overall decision-making process. However, knowing what information should flow between the public and the decision-maker to maintain an informed dialogue and influence decision-making to the level agreed upon is a significant challenge.

A decision-maker needs to consider:

- What are the milestones or key decision points of the project being consulted on?

A proposed public participation framework

- What are the public participation objectives to be achieved for each of these milestones?
- What is the process of participating with the public?

Meaningful and effective public participation requires adequate time and resources. Misalignment between the timetable for decision-making and the timetable required to solicit contributions by the public and stakeholder groups is a common weakness in many public participation initiatives. In many cases, the time pressures of decision-making can overwhelm the government organization’s ability to inform and engage the public and stakeholder groups to the level agreed on. When this situation occurs, the decision-maker must consider the costs and benefits of delaying decision-making in order to adequately address public participation needs.

Across a variety of policy fields, the process for decision-making in government is relatively consistent. Exhibit 4 below illustrates the links between the steps of a generic decision-making process and the public participation objective for each. Examples of public participation tools to support each milestone are also shown.

Exhibit 4

Public Participation Steps, Objectives and commonly used Tools

Public Participation Steps, Objectives and commonly used Tools		
Steps in Decision-Making Process	Objectives of Participation	Examples of Participation Tools
Identify the problem and decision needed	To understand background and decision to be made	Press release, website announcement
Undertake research	To receive information about issues to be addressed	Issue paper, presentation
Establish decision parameters/ performance objectives	To understand decision parameters and performance objectives	Open house, public meeting
Develop options	To discuss issues and concerns and contribute to potential solutions	Workshop, online forum
Evaluate options	To receive feedback on options	Survey, telephone interviews
Decide	To communicate decision and how participation inputs were used	Letter, website announcement

Source: International Association of Public Participation

A proposed public participation framework

Example: The curfew needs to be approved by the Ministry of Transport’s advisory board in time for sign-off by the Minister and publication in the provincial aviation regulations. The Director of Civil Aviation has therefore scheduled the summit six weeks ahead of the advisory board’s regularly scheduled meeting, which is three weeks before the regulation printing deadline. This schedule will provide enough time to develop several options and a rationale for a recommended way forward, as well as any amendments after the advisory board meeting, including communicating ongoing status to the stakeholder community.

STEP 7. Determine how the results are to be used.

Knowing from the outset how public participation results are to be collected and analyzed by the decision-maker, and how the results will be used to show the public their views have been heard, is key to the design of the process. A decision-maker needs to consider:

- How will public input be recorded and analyzed?
- How will the decision-maker consider public input?
- How will the public know they have been heard?

Decision-makers need to receive participation results in a form that is concise and credible. This means, for example, that staff in a decision-making organization should decide what format the Web-based feedback instruments to be used should take, and what templates for recording information at workshops should be used. It is best to start with a clear view of the end product in mind. If the decision-maker requires issues sorted and summarized by electoral ridings, for example, then that information should be collected and incorporated into the report to the decision-maker that way.

In Step 4, *Determining the level of public participation that the decision-maker needs and what to consult on*, the decision-making organization will have determined how public and stakeholder group input will influence decision-making. In this step, the impact of participation on the final decision now needs to be communicated to stakeholder groups and the public. This is one of the greatest weaknesses in public participation processes. It is therefore important to manage expectations throughout the public participation process in two key ways:

- by explaining what opportunities exist to influence the decision-maker (see Step 4 - 3); and
- by explaining clearly how the public participation will affect and has affected the final decision.

A proposed public participation framework

When communicating the final decision, the decision-maker has the opportunity to provide a rationale for the decision that includes making reference to the range of interests, concerns and issues that were considered as part of the public participation process. Confirming that participants were heard and their views considered is the most effective approach to minimizing public resistance to government decision-making, usually expressed through the media or communication with elected officials. With a greater degree of public acceptance comes a lesser degree of resistance, resulting in a higher likelihood that the decision will be successful.

Example: During her opening address at the summit, the Director of Civil Aviation outlines the purpose of the public participation, her findings to date and how input from the public and stakeholders will be used to develop up to three options for consideration by the ministry's advisory board. She informs participants about the timeline and its rationale. As well, she commits to preparing a report on summit proceedings and circulating it to participants before she reports to the advisory board, so that participants can confirm that the proceedings accurately capture what they said.

Immediately after reporting to the advisory board, the Director of Civil Aviation prepares a summary report and distributes it to summit participants. The summary report outlines the options that were developed, identifies the recommended approach and its rationale, and thanks participants for their valuable contributions.



The approach to public participation in British Columbia

As part of our study, we wanted to understand the British Columbia Government's approach to public participation. In this regard, we looked to see if it provided guidance for those conducting public participation and any principles on which such guidance was based. We also wanted to determine how the provincial government ensures its participation with the public is consistently performed and appropriately conducted. Our key observations are summarized below.

The British Columbia Government's core values support the use of public participation, but these values have not been translated into principles for conducting public participation

In the *Province of British Columbia 2008/09 - 2010/11 Strategic Plan*, the British Columbia Government includes a number of core values that suggest citizen involvement is important. For example, as shown in Exhibit 5 below, one of the core values is *Integrity: to make decisions in a manner that is consistent, professional, fair, transparent and balanced*. To act on this value implies that the public must be aware of how the decision was made and have had input into that decision. Similarly the core value *Choice: to afford citizens the opportunity to exercise self-determination*, suggests that citizens have the opportunity to make choices from a range of options, having considered the costs and impacts.

Exhibit 5

British Columbia Government core values

Government's core values are:

- **Integrity:** to make decisions in a manner that is consistent, professional, fair, transparent and balanced;
- **Fiscal Responsibility:** to implement affordable public policies;
- **Accountability:** to enhance efficiency, effectiveness and the credibility of government;
- **Respect:** to treat all citizens equitably, compassionately and respectfully; and
- **Choice:** to afford citizens the opportunity to exercise self-determination.

Source: Province of British Columbia 2008/09-2010/11 Strategic Plan, February 2008

The approach to public participation in British Columbia

Government's core values typically carry over into the service plans and activities of all government entities. Although these values may not be specifically stated in individual ministry service plans, effort is made to ensure that ministry activities align with them. However, because the core values have not been explicitly tied to principles for public participation, ministries are not expected to demonstrate how they are achieving the government's values through public participation. It is therefore not possible to determine how well ministries are using public participation to achieve the government's core values.

Consultation is a part of the regular business of government entities. Some entities engage in public participation frequently; other entities engage in public participation for an individual initiative. Without clear principles for engaging the public, there is no requirement for individual ministries to demonstrate a consistent and balanced approach to public participation.

Recent examples of public participation in British Columbia

In recent years, the British Columbia Government has conducted a number of initiatives to involve the public in government decisions. Three examples are:

The Conversation on Health

This year-long discussion about the province's health system involved more than 10,000 people providing their thoughts, ideas and suggestions in a range of ways, including at meetings, online and by telephone. A report of the findings was prepared and presented to government in 2008. In response, the government is now working to implement several initiatives.

The Citizens' Assembly on Electoral Reform

For this initiative, members of the public from every provincial riding were selected to participate in a process to examine British Columbia's electoral system. The assembly's final report was presented to government in 2004. A second referendum on the electoral system recommended by the assembly will be held as part of the next provincial election.

Expertise in Public Consultation

Several British Columbia Government entities have developed tools and supports for carrying out public participation. For example, the Vancouver Coastal Health Authority has developed a Community Engagement Framework (available on the Authority's website). The framework involves a seven step process for conducting an engagement and contains a continuum of types of consultation. As well, the Health Authority has developed principles to guide an engagement process and it uses experts to assist staff in undertaking community consultation. TransLink also uses a set of engagement principles – *Principles of Public Consultation and Community Engagement* – and made this available on its website.

For the observation in this section to be adequately addressed, the government would ensure that the British Columbia public sector has established principles for public participation. This could be achieved by adopting the proposed public participation framework.

The approach to public participation in British Columbia

The British Columbia Government is conducting public participation, but no formal government-wide guidance is available to ensure a reasonable process is followed

In the absence of principles for public participation, individual government agencies determine their own approach to public participation. The British Columbia Government has no formal guidance on how or when to conduct public participation. Currently, relying on the principle of ministerial accountability, each Minister is responsible for ensuring that any necessary consultation has occurred. Without guidance on when or how to conduct public participation, Ministers are left to exercise their own discretion. This makes it difficult to assess whether, on any particular issue, public participation should have taken place but did not, or whether the public participation that did occur met a reasonable standard.

Work by our Office has found public participation to be inconsistent and in some cases inadequate in some British Columbia Government entities. For example:

- An upcoming performance review, *Planning for School Seismic Safety*, finds that the Ministry of Education does not have a formal process for periodically seeking public input on key issues that could affect how a program is designed and delivered. The report recommends that the ministry work in partnership with Boards of Education to implement an information plan to inform the public about seismic hazard, risk and the constraints around the program, and give the public opportunities to provide input on future program objectives and priorities.
- In the review, *Removing Private Land from Tree Farm Licences 6, 19 and 25: Protecting the Public Interest?*, we found that the Minister of Forest and Range did not effectively consult or transparently communicate with key stakeholder groups and the public. Several key groups that should have been consulted were not identified. In response to the review, the ministry said it recognized that more consultation should have occurred and it committed to improving its consultation in the future.

For the observation in this section to be adequately addressed, the government would ensure that the British Columbia public sector has issued guidance for conducting public participation. This could be achieved by adopting the proposed public participation framework.

The approach to public participation in British Columbia

The British Columbia Government has no process to ensure a consistent approach to public participation across government

No single entity or organization in the British Columbia Government has responsibility for ensuring consistency in the use of, or approach to, public participation. Each ministry is responsible for using public participation appropriately as it sees fit. There is no expert resource provided within government to aid ministries in their public participation, nor is there capacity to track the results of completed consultations to inform continuous improvements and learning.

We found, however, scepticism among ministry staff we spoke with about the value a central agency within government would provide them. Their concern was that government entities should champion public participation within their own entity, not have a central agency conduct it for them.

Some provincial and municipal governments in Canada have given responsibility for promoting public participation to a communications group or similar part of a central agency. These agencies are not intended to be responsible for conducting public participation. Rather, they are there to promote consistency and best practice, build capacity across government agencies, and act as a resource for government entities to obtain advice on how to effectively conduct public participation. They are a public participation promoter and source of knowledge on how to conduct public participation. In these cases, the organizations themselves are still responsible for developing a culture of participation by having staff champion participation. Once that is done, the need for the central resource and promotion diminishes. The central body supports government agencies by providing a strategic and policy framework for public participation activity (including, for example, publishing resource guides and providing a forum for sharing information about good practice). After a time, as agencies develop their own capacity, this central support works less to promote public participation and more to coordinate and disseminate best practice within government.

We found that the British Columbia Government itself recognizes how valuable a broadly consistent approach to consultation within government would be. For instance, in relation to consultation with First Nations (not considered within the scope of this study), the

The approach to public participation in British Columbia

government has worked to establish a consistent process. In 2002, British Columbia developed a *Provincial Policy for Consultation with First Nations* which states: “It is important that methods outlined below are understood and applied in their entirety...*Consistent application of this Policy across government is essential.*” [emphasis original]

In another example, the *Consultation Guidelines of the Ministry of Forests and Range* state that the guidelines are consistent with the *Provincial Policy for Consultation with First Nations* and that “the following pages outline a process to determine the appropriate level and method of consultation. They provide a framework and standards for consultation, ensuring that consultation practises are consistent across the Ministry of Forests.” The ministry’s document also recognizes the need for staff flexibility in developing processes that are responsive to specific issues and concerns.

For the observation in this section to be adequately addressed, the government would ensure that the British Columbia public sector has the capacity to conduct successful public participation, including the promotion of best practice and knowledge-sharing.

