

Chapter 4

CREATING AN EXTERNAL ENVIRONMENT FOR ACCOUNTABILITY

The environment outside of an organization is increasingly demanding more accountability from all agencies — private and public. As an agency administrator you can take advantage of these forces and help create an external environment that will continue to demand more accountability. It is in your own best interest to commit your agency to such a goal.

There are several aspects of the external environment that need to be changed in order to enhance the likelihood of complete public agency accountability:

- Laws need to include expected client outcomes.
- The legislative appropriation process needs to focus on what happens to clients.
- Federal and state regulations need to shift from process to outcome requirements.
- The press needs to focus on realistic expectations rather than sensationalistic aspects.
- Confidentiality and privacy laws should not be considered as barriers to accountability.

LAWS WITH CLIENT OUTCOMES

Laws are necessary to establish programs and appropriate funds to operate them. In order to pass a law at the federal, state, or local

level it is necessary to gain consensus from a diverse group of legislators representing many interest groups.

In order to pass a law it is necessary to maximize the number of legislators who could benefit from offering their support. To accomplish this it is customary to be vague and undefined in terms of the population at risk (who you plan to cover under the law), what services or intervention strategy will be provided, and what client outcomes will result.

The vague language allows each legislator to promise benefits to his or her constituents or at least to promise that no harm will come to them. In return the legislator gets future favors from the initiators of the law. The initiators get a new interest group. The interest group gets the law to use as the basis for lobbying for an appropriation to implement the law.

The law authorizing a program does not typically include clearly defined client outcomes. If money is appropriated through the budget appropriation process, there may be some general understanding between the appropriation committee chairman and the program administrator as to subsequent client outcomes. Once a program is established, however, it develops its own vested interest groups and takes on a legitimacy and protected status that prevents any serious review of its effectiveness. The history of sunset legislation is a good example of the difficulty of making programs accountable after they have been in existence for some time.

It is true that legislatures already have the power to terminate existing programs and agencies, but they seldom exercise that power. There is a grain of truth in the saying that "old agencies never die. They don't even fade away." Programs and agencies tend to proliferate. Evaluation reports generally set on the shelf. The reasons are not mysterious — program evaluation and legislative oversight are difficult, time consuming tasks. It is easy to put them aside. Most legislators look ahead rather than behind. They are extremely busy and can always justify doing something other than oversight. Proposing legislation is more glamorous than reviewing existing laws [Common Cause, 1978: 3-4].

The first opportunity for accountability is lost when laws without client outcomes are passed. It becomes increasingly more difficult once these laws are enacted.

**AN EXAMPLE:
DOMESTIC VIOLENCE LEGISLATION**

The Domestic Violence program is a recent and typical example of a program based on a law that has not specified all the client outcomes. This program was established by Michigan law to serve those individuals (mostly women) who are victims of physical or mental abuse. More specifically, the program was designed to provide a physically safe shelter for women who were at risk of future abuse by their spouse.

Although counseling was provided, there were no client-outcome measures for this service. The only outcome delineated by the program staff concerned the safety of the client while housed in the shelter (generally for no more than two weeks).

This is a self-fulfilling definition of success: The shelter provides safety; if safety is provided then it is a success. If this is the only outcome, then the shelter should not be funded to provide counseling because there is no agreed-upon outcome for such counseling. Nonetheless, the appropriation committees continue to provide state funds for shelters. Legislators must take responsibility for passing laws specifying client outcomes; as long as laws remain vague it is very difficult, if not impossible, to ensure public agency accountability.

I am not optimistic that legislators will explicitly designate client outcomes in legislation. They will probably argue that this is clearly an executive branch responsibility and that the legislature's responsibility is simply to convey the intent of the law with the specifics to be worked out later by the department that receives the appropriated funds to operate the program. The problem is that there are many intents and each is represented by a different vested interest group. Subsequently the client outcomes seldom do get worked out to everyone's satisfaction. The irony, of course, is that the initial failure to reach consensus before passage returns to plague the legislators in their attempts to then hold an agency accountable.

Laws can be made very explicit in requiring complete accountability by mandating the collection of client results information. There are five examples of such legislation. The first three were discussed at some length in Chapter 3.

(1) A Milwaukee County ordinance passed in 1972 by the County Board of Supervisors required the collection of client satisfaction data on purchase-of-service providers:

At least once a year, the Department (of Social Services) shall offer qualified recipients receiving care or service from an agency, or their respective guardian, a questionnaire regarding their impressions as to the adequacy and quality of the care or services provided to them by the agency. Results of these questionnaires shall be tabulated annually by the Department according to agency [Milwaukee County Ordinance 46.09].

(2) The Rehabilitation Act of 1973 required that client-outcome information be collected. Sections 401 and 101 direct the Secretary of HHS to

measure and evaluate the impact of all programs . . . and the state agency shall provide assurances that continuing studies will be done as well as an annual evaluation of the effectiveness of the program in meeting goals and priorities set forth in the plan . . . In addition, the Rehabilitation Act specifies the development and use of general standards for evaluation of the program and project effectiveness in achieving the objectives of the Act.

(3) Public Law 94-103 for the developmentally disabled required in Sections 128 and 110 that an evaluation system be developed (composed of objectives, measures, etc.) to be adopted and installed in each state as a condition of receiving funds.

In effect, rather than only requiring an annual evaluation of programs, an evaluation system needs to be installed which will continuously provide policy makers with performance information to clearly describe who is being served, results and the cost of obtaining results [CARF, 1977: 1].

(4) In 1972 the California legislature passed a revision to Section 14308 of the California Welfare and Institution Code. The legislature required that the Department of Health conduct annual client satisfaction survey of participants of prepaid health plans and to report these results back to the legislature.

(5) In 1979 the Minnesota legislature passed the Community Social Services Act, which mandated program evaluation for all services

(Chapter 256E). It required both a county plan to be submitted to the Commissioner of the Department of Public Welfare and a statewide summary to be submitted to the legislature.

Subdivision 1. County evaluation. Beginning in calendar year 1981, each county shall submit to the commissioner a report on the effectiveness of the community social service programs in the county. The commissioner in collaboration with the county boards shall prescribe standard methods to be used by the counties in making the report. The report shall be submitted no later than March 1 of each year and shall include:

- (a) the number and type of recipient of each service and
- (b) evaluation on the basis of measurable program objectives and performance criteria for each county social service program

Subdivision 2. Statewide evaluation. At the end of the first year covered by the county biennial plan, the commissioner shall prepare a report on the counties' progress in carrying out their plan and make it available to interested parties.

At the end of each period covered by the counties' biennial community social services plan, the commissioner shall prepare an evaluation of the effectiveness of the prior two years performance of each program in relation to identified public social problems, stating the measurable goals, objectives, methods and outcome for those years, including the extent to which the number of persons and families proposed to be served by each category of social service as actually served, the direct costs, and the administrative cost per unit of social service for each category [Chapter 256E.10, Program Evaluation].

Various vested interest groups must influence legislators to enact laws that clearly define the target populations to be served, the services to be provided, and the expected client outcomes. This can be a lengthy process, but once enacted, the law is easier to operationalize.

You must become involved in the political process in order to get legislation passed in this area or any other area. There is general consensus on the steps necessary to become an effective lobby for legislation. Gary Mathews (1982) summarized these steps as:

- (1) Commit yourself to the goal of more accountability.
- (2) Organize by joining with others in a group effort.
- (3) Get acquainted with the politicians themselves.

- (4) Stay involved and keep communicating to legislators to establish visibility, credibility, and identity.

Take some time now to prepare a plan to become more involved in the legislative process: Try to answer the following questions:

- (1) Who are legislators or county board commissioners I know personally?
- (2) Would they be interested in this idea?
- (3) Can I arrange to meet with them over lunch to discuss this idea of client-outcome monitoring?
- (4) What national, state, or local organizations might also be interested (for example, the American Public Welfare Association or the National Association of Social Workers)?
- (5) Are there members of a local university's school of social work who would be interested in joining a coalition to get legislation for client-outcome monitoring?

FOCUSED LEGISLATIVE APPROPRIATION PROCESS

Each state has a process by which programs provide the legislature with a request for funding for the following year or two. It is slightly different in each state. However, there are some similarities in this appropriation process. At some point the program representative meets with the appropriation committee or funding authority to review the request. The committee is generally comprised of representatives of the legislature. Both the House and Senate have such committees and both must agree on spending levels prior to the passage of the appropriation bill.

These meetings are open to the public in many states and are attended by the program managers, top department administrators, and special interest groups in addition to the legislators and their aides.

It is common to have new legislative committee members every year. The chairperson of the committee has generally been involved for several years with the programs whose budgets are being reviewed. As a result, he or she has a major advantage in understanding the budget for these programs. In addition, his or her aides have considerable power to influence decisions based on the information they provide to the chairman.

Often the session begins with an overview by the program manager or department administrator. Such an overview may or may not include client outcomes; generally it does not. Rather, it focuses on how many clients are being served if there were more staff to provide these services. Only intermittently does a legislator ask about the results on clients: Then the program manager generally answers with vague responses and anecdotal experiences. Any recent newspaper article (especially front page of a major newspaper) will be an issue and will receive an inordinate amount of discussion at such public hearings.

The legislature is frustrated by the sheer complexity of a major state department. In many states the frustration has been reflected in attempts to pass some type of sunset legislation. Legislators have not been able to pass such bills in most states in part because they already have a capability to review departmental programs through the appropriation process. However, this process does not require systematic justification of program continuation based on impact on clients.

The most appropriate location for public accountability is through the budget appropriation process during which state and federal funds are negotiated between state agencies and legislative representatives (of the public). The focus of the present structure is on the number of clients served, the kinds of services provided, and the costs. These are important dimensions but clearly secondary to the key issue of client outcomes.

The role of the legislature is to establish laws and to ensure that the executive branch meets the intent of the law in executing the various programs that implement the law. The role of the legislature is then to hold the executive branch responsible and accountable for *outcomes*, not process. It is the legitimate role for the executive branch to decide how to implement a mandate, even one including outcomes.

This seems to be the exact point at which neither the legislative nor the executive branch are willing to finalize the debate about how to measure the intent of legislation. There are as many intents as there are legislators on the appropriations committee. This debate must end in order to get on with the collection of measurable outcomes so that accountability can take place. As long as the debate goes on there is no final agreement on expected results.

The executive branch, represented by the agency director, is probably in the best position to interpret the intent, establish measurements of expected performance results, and inform legislators on

the appropriation committee that this is the department's interpretation of the legislative intent. Furthermore, the agency director should then inform these same legislators that such a decision also requires a commitment in resources to measure these outcomes and to report them back to the appropriation committee in subsequent hearings.

The very best time to establish such a commitment is at the beginning of a new governor's term of office. This allows the necessary two or three years of stability needed to put into effect the measurement of outcomes.

The current legislative appropriation hearings process is complex. Each of the representatives generally has a specific constituent needing protection during the course of the hearings. When this part of the budget is up for review, this legislator is particularly attentive and will provide testimony to the committee regarding the importance of a given program. This is the nature of the political process and it also is the fundamental difficulty in lobbying for accountability. There is no vested interest group currently existing for better accountability. There are however, many lobbying groups who have a vested interest in perpetuating their program regardless of how accountable it is to the taxpayer.

More typically, only the chairman, his or her staff, the department administration, and specific lobbyists are at all aware of most of the facts or the issues of the total budget. Other legislators do not have time to become knowledgeable about how every program operates, let alone what the outcome measures need to be for accountability.

Members of the appropriation committees need to be better informed in order to have complete accountability. Each year each department attempts to brief new and old members of the appropriation committees on the operations of the department. However, this is only a superficial review at best. At a bare minimum, each department needs to answer the seven key questions outlined in Chapter 2.

As long as there is no pressure on legislators to be accountable, there will be less pressure on state agencies to be accountable. The best way to establish state agency accountability is to limit or eliminate programs that cannot establish and measure client outcomes. This would be a bold and unprecedented action by legislators. This is the time for such action because of severely limited state revenues.

The legislator who is most important for true accountability is the chairperson of the appropriations committee. The next most important are his or her staff. You must make as much personal contact

with them as possible. Responsible legislators do respond to letters, newspaper articles, and phone calls from members of their constituency. You can make a difference by simply sending a letter to your representative asking that he or she ensure that state agencies are held accountable by knowing what impact these services are having on clients. Demand that you be kept informed of his or her personal efforts to ensure that your tax dollar is being used appropriately.

Legislators seldom get such letters and when they do, they will reply with a very general response that they, of course, agree with you and are looking out for the best interests of the taxpayer. Don't settle for this type of response. Send him or her a copy of the program results listed in this book and request that he or she personally report back to you on how well the state agencies are performing.

This will make your point. If a legislator receives ten such requests in a single year, he or she will be aware that constituents are monitoring his or her monitoring.

The total cost to you would be two stamps and the copying costs to reproduce the program results. This will amount to \$1.00 or less but it will have a very effective collective result in raising the public accountability consciousness of legislators. If you don't know the name of your representative or head of the appropriations committee then send your letter to the governor, whose staff will forward it to the right person.

The democratic legislative process is very time-consuming and detailed in its day-to-day operation. Good lobbyists spend most of their time providing valuable information to legislators. They stay abreast of the current laws, policies, and practices in their specific areas. They spend time, effort, and money to get to know the legislators personally. They provide convincing alternative arguments to legislators who rely upon them to provide quick and thorough analyses of the issues as they relate to the organization the lobbyist represents. In many cases the lobbyists are some of the few people who understand the implications of pending legislation. They act as paid extended staff of some legislators.

In contrast, the general public only realizes the implications of a law after it has been passed and has an effect on them personally. This is why a legislator pays so much attention to an unsolicited letter. They don't get that many of them, and view them as the potential tip of an iceberg. If they get ten or more of them on the same topic they become very aware of the underlying issue. Unfortunately, most

legislators do not have an effective mechanism of staying in touch with their constituents. It is most often a hit or miss proposition based on being as available as possible for local events or speaking engagements.

Again, it is important not to underestimate your own role and how it can create an external environment for better accountability. Ultimately, the only way to ensure that legislators will consider outcome information in appropriating resources is to have a strong, effective lobbyist representing this perspective. In many states there are client or public interest organizations (i.e., Common Cause). These agencies should focus their energy on this area and represent taxpayers and client interests in coordinating outcome information for the appropriation process.

DEREGULATION OF PROCESS AND REGULATION OF OUTCOMES

Current federal financial participation for state-operated programs requires the adherence to extensive process requirements while requiring almost no account of outcome expectations. A mid-west state, for example, interprets the foster care program requirements so that for each child entering care, the worker should

- (1) establish a clear goal,
- (2) have a signed parent-agency agreement,
- (3) have a social study completed detailing the background of the natural family,
- (4) review quarterly the progress of the child toward the goal.

These process requirements appear to be reasonable; however, there are pages and pages of such process demands. If a specific program is audited, the state risks losing the federal share (or a portion of it) as a disallowance if the state fails adequately to meet the requirements for financial participation.

Oversight organizations at the federal, state, and local levels have been frustrated by their inability adequately to monitor the effectiveness of programs they fund. They have historically sought to monitor by requiring processes to be followed in the delivery of services and hoped that if they were wise in selecting the right processes, that the

expected outcomes would result. Clark C. Havinghurst best summarized this approach to accountability through regulation by noting that

As a remedy for problems of public policy, regulation is overprescribed. Indeed, regulatory programs are to many legislators what prescription drugs are to some doctors: a useful tool which is tempting to overuse in an effort to demonstrate to the consumer (voter or patient as the case may be) that the decision maker cares and is trying to do something about the problem [Havinghurst, 1975: 577].

Sometimes the federal government does try to specify outcomes. Unfortunately, they are so vague that there is no consensus possible on how to measure them. Without being able to measure them, such outcomes are of little use. They even become counterproductive when workers are asked to report on their accomplishment of these goals. Time spent on such activities diminishes the time available to report on measurable outcomes.

For example, Title XX funded services were to accomplish five general goals:

- self-support,
- self-sufficiency,
- protection,
- appropriate community care,
- appropriate institutional care.

From 1976 to 1978 I chaired an evaluation task force composed of federal staff from the Department of Health, Education and Welfare (HEW) and representatives from the Title XX state agencies from Region V (Michigan, Illinois, Minnesota, Indiana, Ohio, and Wisconsin). We wanted to measure these five Title XX goals. Only when we began to discuss the possible meanings of these vague goals did we realize the difficulty of our task. Four states ultimately came to some consensus on the best measurement. The other two states took the position that you could not measure goals. Nonetheless, we published a report to HEW and requested an opportunity to review our proposal with them and discuss their concept of what the Title XX goals meant in terms of operationalizing them at the state level. They

did not have such a concept nor were they particularly interested in developing one. After all, Title XX only required states to deliver services to meet these goals, not to find out if the services had the intended effect.

Such is the power of federal requirements. Once established, anything outside of the requirements becomes a luxury that can be done without.

The federal government needs to reduce the process reporting and compliance requirements for federal financial participation. The main reasons for such elimination is that process requirements do not necessarily lead to desired client outcomes; process requirements are being followed in only 50 percent of the cases; process requirements, when followed, are interpreted uniquely by each local service delivery agency.

Over the past four years Michigan has studied the relationship between client outcomes and process requirements in day-care, foster care, basic family and basic adult services and adult community placement. The major conclusions are that there is no relationship between caseload size and client outcome; there is no relationship between process requirements and client outcome; in general, clients are reporting positive outcomes; and many process requirements are simply not being documented. It is not known if the process is being completed but simply not being documented or if the process is not being completed at all. In short, there is no compelling reason to continue to require irrelevant documentation of processes that do not result in positive client outcomes.

Although a strong case can be made for the deregulation of process requirements, there is a need to regulate states on client outcomes. This is an appropriate role for the federally financed programs. In many cases states will not initiate outcome regulation of federally financed programs. States are reluctant to second guess the intent of federal regulations or laws.

The Reagan administration reduced the regulations imposed by the federal government; and initiated nine blocks grant that could be appropriated with minimal reporting or process requirements for such services as social services, health, education, low energy assistance, and community action programs. The intent was to convert as many programs as possible to block grants or to turn them over to the states. Individual states will monitor their own programs according to their own standards.

There will be a very important shift of responsibility from the federal to state to local levels of government. This provides a unique opportunity for state- and local-level involvement with public agency accountability. Previously, it was largely impossible to influence the regulations. Now it is more feasible as each state must establish its own criteria for efficiency and effectiveness.

Unfortunately, I expect the politics at the federal level will simply be duplicated at the state and local level unless there is strong leadership for accountability based on outcomes and not on process requirements. This is a new way of thinking about accountability. It needs to be promoted and sold just like any other new idea. The old way of thinking about process (as a proxy for outcomes) is ingrained into the habits of many organizations. They will prefer to continue with old data-reporting methods to creating new systems.

You can play an important role in changing this pattern of thinking by restructuring your own agency for outcome reporting now or once deregulation takes place. In many agencies the block grant mechanism has offered this opportunity. The last chapter in this book will detail how you can establish your own client-outcome monitoring system. Several other suggestions will be made in Chapter 5 on how to create an internal environment for accountability.

REALISTIC SUCCESS EXPECTATIONS BY PRESS

The press is probably the most powerful, least persistent, and potentially most damaging influence on public accountability. The press (including newspapers, radio, and television) is powerful because of the high visibility it provides for the public agency. It is the primary vehicle by which the general public learns about accountability of public administrators. The most likely stories to be carried are horror stories about clients who in some way were not appropriately provided services. In the past few years major newspapers have covered such events as a child who is killed by an abusing parent, a child who has been lost in foster care, or an AFDC mother who is not able to survive on a low grant level. The press presents these cases with an approach similar to prosecuting attorneys who are convinced they have a strong case of neglect of public responsibility. In some cases this may be true and the press has subsequently performed an important role as a public advocate for greater accountability. Often, however, the case is simply sensationalistic.

The press *does* concern itself with reporting on client impact or result. They are most likely to raise issues about what ultimately happened to the client. However, once the publicity surrounding "the horror" no longer can be sustained (readers get bored with the story), the press does not maintain its investigation of the story or the responsible reaction of the public agency. Once accused of malfeasance the press does not consider the reaction of the public agency as newsworthy. The allegations are what sells newspapers, not the subsequent response by the defendant. In this sense the press does not persist in accounting for the entire story from beginning to end. This ultimately is a disservice to the public because it does not resolve the issue but simply portrays the zeal of investigative reporting.

Finally, the press provides the public with an image of public employees as bumbling bureaucrats who waste money and provide little useful service. The press does not seek to provide an educated, balanced view of the issues. Such a picture would not be dramatic enough to sell newspapers. As a result, the press creates an irresponsible image of public agencies as agencies that disappoint the public and treat clients inappropriately.

The press could be the most important and persistent vehicle for focusing public attention on complete accountability. However, as it is it plays a very destructive role because of the unrealistic expectations it portrays as criteria for public accountability.

For example, if a child is killed by an abusive parent, the press considers this newsworthy and will present it as a case that was mismanaged by a public agency. Clearly the public agency was at fault. If only they had been good managers, then the death would have been prevented. There is no serious discussion of the public agency's limits in controlling family behaviors.

The responsibility of explaining such incidents rests with the director of the agency charged with mismanagement. It is his or her role to place horror in perspective. The previous Pennsylvania Commissioner of the Department of Public Welfare, Helen O'Bannon, considered this a very difficult part of her job. It is even more difficult because of the unrealistic expectations placed on public officials to account for such incidents.

Deaths as a result of child abuse have always occurred and will continue to occur regardless of the diligence of any intervention strategy and/or the quality of management in public agency. No

degree of accountability can prevent such events. They can reduce them but never eliminate them.

As long as the press has the ability to produce strong public reaction to horror stories, the public agency will be vulnerable to public criticism that is not based on a realistic understanding of what is possible. The same sensationalism is directed at the private sector by the press when a private industry is alleged to have been responsible for customer deaths. The 1982 Air Florida crash of a Boeing 737 raised the same news coverage and criticism of Washington National Airport safety as well as questions about the adequacy of the aircraft.

It is news when people die. It should also be news when people don't die. The public needs to be well informed and know when a story is worthy of their concern or is mostly hype from the news source. Many stories are slanted to obtain an emotional reaction and are not reported in a factual fashion.

This often happens to the public administrator who is more visible and monitored by the press than his or her counterpart in the private sector. Most public agencies are constantly being monitored by a hostile press. Positive responsible public agency performance is generally not voluntarily publicized by the press. It is not considered newsworthy. It should be.

The strategy for most public relations offices within the public section is to develop press releases focusing on the human relations aspect of the programs. There is an appealing story in almost every client contact. Each could be developed into a short article demonstrating the dilemma of the client and the agency's positive response to it.

Taxpayers would be supportive of such programs if they only heard enough about them to understand the conditions under which many clients attempt to survive and how grateful they are for some help. American taxpayers have been paying for years for programs they know very little about. They need to be told in ways that allow them to know how they are helping others. It is government's responsibility not only to deliver such programs but also to inform the taxpayers about the benefits that are provided to the clients.

POINTERS ON PUBLIC RELATIONS

Richard Cole is Chairman of the Board of Publicom Incorporated, a communications and public relations firm. He has worked with

professional and trade associations and five national corporations (Shell Oil Company, Upjohn Company, State Farm Insurance, John Hancock Insurance, and Robotics International Corporation). His message to all his clients is the same, "People want to know that their lifestyle is being positively affected by your enterprise."

He advises,

Once you can accept that you are making a difference in your communities, that's all you will have to talk about. That's the commitment that people will expect, accept and reward with support.

So, the point is, reporters and editors expect you to talk about the difference you are making. They don't expect you to talk about the differences you couldn't make because. . . .

The only way administrators can systematically document the differences their companies or agencies are making is by collecting client-outcome information on a regular basis.

Most of the public cannot relate to AFDC benefit levels and day-care rates of payment. Most can relate to individual neighbors who are having some type of difficulty and how an agency helped them. The one-on-one human interest story is still the best format for showing the impact of public agency services.

Such stories need to be provided to the press. The possibilities for these stories are endless and if done in an appealing fashion, can be used regularly by local newspapers.

Recently the HHS (n.d.) released a helpful set of suggestions on how a human services agency should relate to the press. A major part of the public's right to know is to have a balanced picture about its public agencies and programs. Nine suggestions were to:

- (1) Create trust between yourself and the media. The working reporters and photographers can mean the difference between your agency or program and getting coverage and getting *good* coverage.
- (2) Make sure you are authorized to speak for your program.
- (3) Make it easy for reporters to contact you.
- (4) Know the deadline of the newspapers and radio and TV stations. Their deadlines are your deadlines.
- (5) Be fair. Give all reporters an equal chance.

- (6) When you give an "exclusive story," recognize that you should not voluntarily give it to another newsperson.
- (7) Handle errors carefully. Unless serious no comment is necessary. Correct errors privately.
- (8) If your story doesn't run, there may be many good reasons. Don't blame the reporter.
- (9) Express your appreciation every time the material is submitted (used or not by the media).

Finally, a recent study by David Finn for the American Management Association (1981) provided several suggestions on how any organization can improve its relationship with the press. The business community has a perception that the press is antibusiness. It is similar to the perception within state agencies that the press is antigovernment in its preference for reporting negative aspects of government performance.

Finn suggests the following for chief executive officers:¹

- (1) Arrange for direct contact between senior executives and reporters. Keep in touch with PR specialists and journalists on a continuing basis — not just when crises erupt. Do not, however, try to win favor of a reporter by giving confidences off the record or by offering gifts.
- (2) Provide means for executives to learn details of media practices, such as the need to attract readers and the importance of meeting deadlines.
- (3) Allow for the possibility that reporters may not be well acquainted with business practices, management techniques, economic principles, or the terminology of your industry.
- (4) Be well prepared on expected topics before meeting reporters. Where controversial issues are expected, consider drilling with colleagues beforehand; for example, have them ask the twenty or so most likely questions to be sure pertinent facts and explanations are at hand.
- (5) Study and practice specific techniques — for example, using short sentences, repeating key phrases, avoiding "no comment" answers — that help to get ideas across in interviews.
- (6) Provide handouts or special memos to summarize key points, especially where complicated issues or financial data are involved.

- (7) Don't try to squelch a story by bringing pressure on higher-ups in the media.
- (8) Be aware of public concerns when commenting on issues concerning corporate interests.
- (9) Have a third person present at interviews to listen objectively to what is said and to call inadvertent inaccuracies or oversights to the principle executive's attention.
- (10) Maintain a continuing good relationship between legal and PR counsel so that there will be a thoughtful balance between legal exposure and the amount of information volunteered.
- (11) Don't argue with a negative report in the media. To do so is to keep the issue before the public more than may be warranted.
- (12) In the event of a damaging story or series, make a long-range plan for constructive future actions.

This more aggressive public relations approach will provide more positive good will in the community. This will be needed to withstand the more negative press flowing from the articles on how the agency has been unresponsive to the needs of clients.

The press is one of the most powerful allies or opponents in the presentation of accountability. Although the press will probably never become a strong ally, the press can be encouraged to present positive stories to offset the naturally more dramatic and sensational stories that result from agency failure. To even begin to alter the shift in sentiment toward a more positive public image, public agencies need to have a four or five to one ratio in positive to negative stories.

CONFIDENTIALITY AND PRIVACY LAWS

Confidentiality and privacy laws are primarily designed to protect the clients against the inappropriate use by a second source of information provided to one source for a unique reason (i.e., eligibility for a program). Subsequently, such laws prohibit the release of client addresses, placement (i.e., domestic violence shelter), or other pertinent personal information. This is the appropriate result of these laws.

However, such laws generally do not prohibit one agency from exchanging names of clients in order to check on potential fraud and abuse (i.e., not reporting income when establishing eligibility for a

welfare program). In cases of potential fraud and abuse, agencies often do exchange tapes of clients to check on such misrepresentation. This even happens between private corporations and public agencies. This ensures maximum accountability. There are some instances where client confidentiality and private laws have inadvertently reduced the ability of an agency to obtain client-outcome information as part of its accountability function.

In rare cases such laws prohibit the tracking of clients in order to establish the impact of the service (i.e., as with the expunging of unsubstantiated but investigated child protective service referrals). In this type of situation legislators need to be made aware of the effects (usually unintended) of one set of laws on another set of laws that require accountability.

CHILD PROTECTIVE SERVICE REFERRALS

The State of Michigan enacted a child protection law that protects the confidentiality of the client in cases where a protective services referral has been investigated and found not to be substantiated (no proof of abuse or neglect). The protective services worker goes out to the home and assesses whether or not abuse or neglect has taken place to the extent of warranting formal intervention. In cases where there is not sufficient evidence the worker makes a judgment not to open the case.

According to an attorney general's opinion, the law requires the investigation record to be expunged. Expunged means destroyed. In destroying such a record, it is now impossible to track that case in order to assess the judgment of the worker. Since 50 percent of the cases investigated are not opened for service, this is a considerable part of the protective services workload. Texas reports that approximately 50 percent of these cases investigated but not opened are ultimately opened as substantiated cases.

In order to know how effective these workers are at making an accurate judgment it would be necessary to know how many cases ultimately open within a short period of time. It is not now possible to conduct such a study in Michigan.

Privacy laws are often cited as reasons why clients cannot be contacted after the delivery of services. This is simply a red herring, as clients always have the option of not returning a questionnaire and/or phone call. Ironically, most clients do not resent the intrusion nor perceive it as such. Many like it.

In some select cases confidentiality and privacy acts do provide barriers to client-outcome accountability. This is rarely an overriding reason for choosing not to conduct client-outcome monitoring.

CONCLUSION

There are many factors in the external environment that can create a positive influence on true accountability. This chapter reviewed five of the most important ones and illustrated ways in which you can play a more active role in creating a better future for your agency and your clients.

There are some factors in the external environment over which you have little control. These include economic conditions, cultural traditions, competing lobbyists, and other vested interest groups (i.e., providers).

You should never underestimate the influence of your participation in changing the external environment. At times it may seem overwhelming and difficult to alter. All conditions existing today were at some time considered changes. Change is possible when there is a critical mass or momentum necessary to alter the status quo. No one knows how much or how little is necessary to bring about a change.

Your effort will bring you in contact with other agency administrators, legislators, members of the press, and public who agree with the changes you are promoting. This will be very gratifying. If enough key people start thinking in a particular way, they will convince others, and ultimately true accountability will become a reality. It exists in small pockets throughout the country. It can exist in your agency and it can spread throughout the country and become the standard operating procedure for all human services agencies.

EXERCISES

- (1) Obtain the federal or state law or regulation providing the authority for a program. Read it carefully to see if there are outcome expectations contained in the law. If possible find the original hearings in the *Federal Register* and read the testimony from the legislators who supported and opposed the bill. This will provide you with the original intent or intents of the law.

- (2) Put yourself in the role of a legislator who has been presented with a proposed law that would create a new program. Why would you include expected outcomes? Call a legislator and ask him or her how they have reacted to this issue in the past.
- (3) Gary Mathews (1982: 55) outlined a set of five questions that need to be answered in preparing a plan to get involved with the legislative process. Try to answer them.
- (4) Choose a program and list the federal or state process requirements. This will require access to an agency manual that details the interpretation of these requirements. Assess these in terms of whether you believe they are related to or necessary to obtain a positive client outcome. Then ask two first line workers which requirements are necessary for an impact and which are not necessary.
- (5) Write a two-page newspaper article about how a program made a difference in the life of a client or a community. Visit a local newspaper, radio, or television news department and talk to the reporter who covers community or government news. Ask them to consider publishing it or have a reporter cover the story.
- (6) Monitor for one week the local newspaper for stories about human services agencies. Keep a record of the number of articles that stress the positive or negative angle of the story. This exercise will illustrate the general negative approach to public service. The press views negative articles as news and are reluctant to define positive articles as news.
- (7) This chapter reviews the role of the laws, appropriation process, the press, and confidentiality laws. What other external environmental factors influence accountability? What role do these factors play and how would you seek to affect these variables?

NOTE

1. From David Finn, *The Business-Media Relationship* (AMA Research Study), (New York: AMACOM, a division of American Management Associations, 1981) pp. 11-12.