

November 23rd, 2007

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Royal College of Psychiatrists
South East Division Autumn Academic Meeting

Justifying Risk Decisions

Justifying risk decisions: A strategy.

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- 1. Adopt definitions which are both (a) apt and (b) work for, not against, human services.**
- 2. Acknowledge that should focus on what can change, decision-making about risk, rather than reifying and externalising 'risks.'**
- 3. Recognise, that if going to improve risk-taking, need to adopt a five-level model.**
- 4. Get employers and/or professional bodies to adopt, and publicise, a number of precepts about risk-taking.**
- 5. Identify, and act upon, the 'weak spots' in risk decision-making.**

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Justifying Risk Decisions

Definitions and decisions:

Working for, not against,
service goals and values.

Risk-taking: an overview

decision analysis

law

'prof.
values'

risk procedure

risk
policy

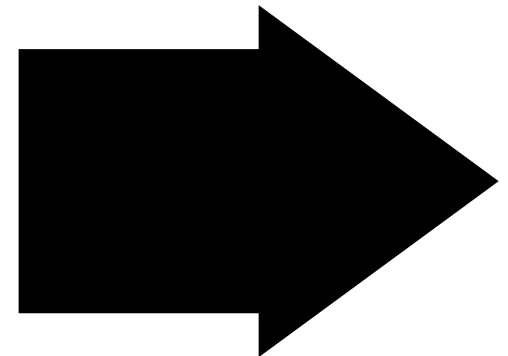
risk

risk factors

RISK ASSESSMENT

risk
management

risk
strategy



How the parts relate to the whole.



Risk and decisions

Risk is a type of decision

Other types of decision include:

Options

Choice

Preference

Dilemma

Alternatives

Gamble

There are similarities and differences.

Distinctive feature of a risk is uncertainty.

If outcomes are certain, either impossible or bound to happen, it cannot be a risk.

If know what is going to happen then it is not a risk.

Risk-taking involves managing uncertainty.

Uncertainty can, and should, be managed.

Risk, and risk-taking, can be informed by decision research.



'Risk' has 'elements' but also 'dimensions.'

The elements of a 'risk'

1. Consequence, outcomes, what might happen, etc. These can be beneficial or harmful.

Necessitates some subjective judgments.

Subjectivity can, and should, be reduced.

2. Likelihood, probability, possibility, chance, etc.

Necessitates objective judgments.

Objective (scientific) knowledge will often be limited in quantity and quality but can, and should, be maximised.

The dimensions of a 'risk'

The context within which, and the resources with which, risk decisions can be taken.

These include:

- Resources: financial, human, skills, services, knowledge
- Time: the proposed or possible duration of the risk
- Uncertainty: degrees of and opportunities to reduce; experiential knowledge

Risk decisions need to involve both risk assessment and risk management.

The elements of a 'risk'

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2. Likelihood, probability, possibility, chance, etc.

Necessitates objective judgments.

Objective (scientific) knowledge will often be limited in quantity and quality but can, and should, be maximised.

The elements are relevant to risk assessment.

The dimensions of a 'risk'

The context within which, and the resources with which, risk decisions can be taken.

These include:

Resources: financial, human, skills, services, knowledge

Time: the proposed or possible duration of the risk

Uncertainty: degrees of and opportunities to reduce; experiential knowledge

The dimensions relate to risk management.

Nature of risk determines risk assessment, which iterative with risk management.



Consequences of adopting such an approach.

Focus on what can be controlled/influenced – decision-making.

Issue is whether acceptable decisions were made, not whether the feared risk materialised.

Pro-active; begin to tackle blame culture.

Recognises the centrality of:

- Resources

Risk assessment may be apolitical (scientific) but risk management is not.

- Uncertainty and impropriety of anticipating no-harm outcomes.

- Potential benefits

Risk-taking necessitates balancing potential benefits and harms.

All plans, all short, medium and long-term goals, are potential benefits that should be taken into account.

- Improper to expect no harm from risk taking; apt to seek improved decision-making and interventions to manage likelihoods and outcomes.

Recognises roles of both actuarial and clinical data for prediction. .

- Actuarial data for risk assessment.

• Monahan, J. et al, (2001), *Rethinking Risk Assessment*. OUP.

- Clinical data for risk management.

This approach is consistent with the law.

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Negligence:

1. Duty of care

[Should mental health services, like police investigators and child protection officers, be relieved of a duty of care to patients and families?]

2. Standard of care

Would a responsible body of co-professionals have made the same decision?

Not best, not majority.

Question of fact relating to contemporary professional practice.

Informed by professional standards.

Court reserves right to decide standards are 'irrational' (*Bolitho*.)

Acknowledges emergencies ('dilemmas') as needing lower standard.

3. Causation

Did not cause (not responsible) if would have happened anyway.

4. Recognised loss

5. Reasonably foreseeable loss

Judicial view of 'risk'

“In particular in cases involving, as they so often do, the weighing of risks against benefits, the judge before accepting a body of opinion as being responsible, reasonable or respectable, will need to be satisfied that, in forming their views, the experts have directed their minds to the question of comparative risks and benefits and have reached a defensible conclusion on the matter.” (p. 1159)

Bolitho v. City & Hackney HA, House of Lords, 1997

Nature of risk determines risk assessment, which iterative with risk management.



Recognising dilemmas.

Dilemma

A particular type of risk decision. Possibly:

No beneficial outcomes.

But likely less harmful outcomes possible.

Some harms certain.

Certainly:

Delay will cause harm.

Standard of care.

Reflect exigencies of the moment.

Dilemmas are not given.

Can analyse and stress that failure to act will cause harm.

E.g. loss of right to liberty, family life; loss of motivation.

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Justifying Risk Decisions

Five 'levels' of risk.

Need demonstrate
action on each.

1. Dangerousness

The risk is 'in dangerous individuals.'

- Research focus on predisposing factors.
- Apolitical; technical.
- 'Medical model.'



2. Situational

The risk is also 'in' the setting / context.

- Danger interacts with context and environment.
- Control over conditions in which risk enacted.
- Role of quantity and quality of resources.
- [p]olitical.
- 'Social work' model.



3. Decision-making

The risk 'is' also in the decision-maker (i.e. you).

Risk depends upon the quality of the decisions taken.

- | Information dependant.
- | Skill based.



Risk in decision-making, contd.

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Decision-makers should know their 'success rates' in order to improve.

Procedure

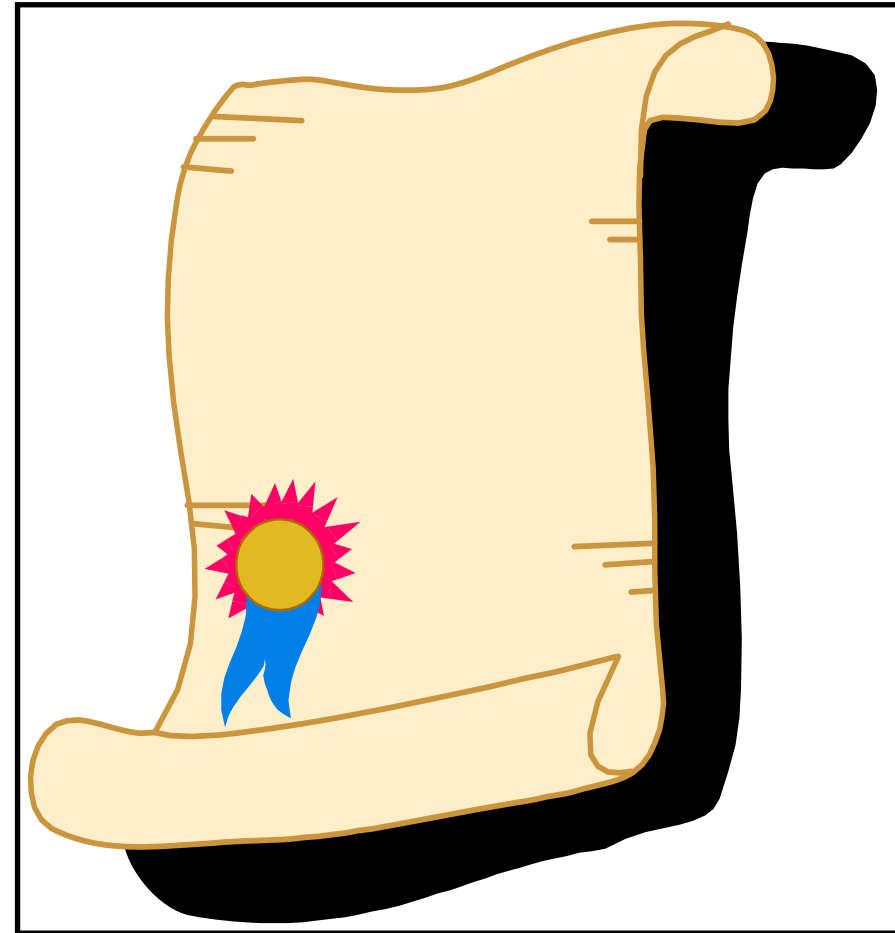
TP	FP
TN	FN

State risk
as a ratio?

Risk as decision-making, contd.

**Aware of
potential for
decision error.**

- Under-valuing base-rates
- Hindsight error



Risk procedure

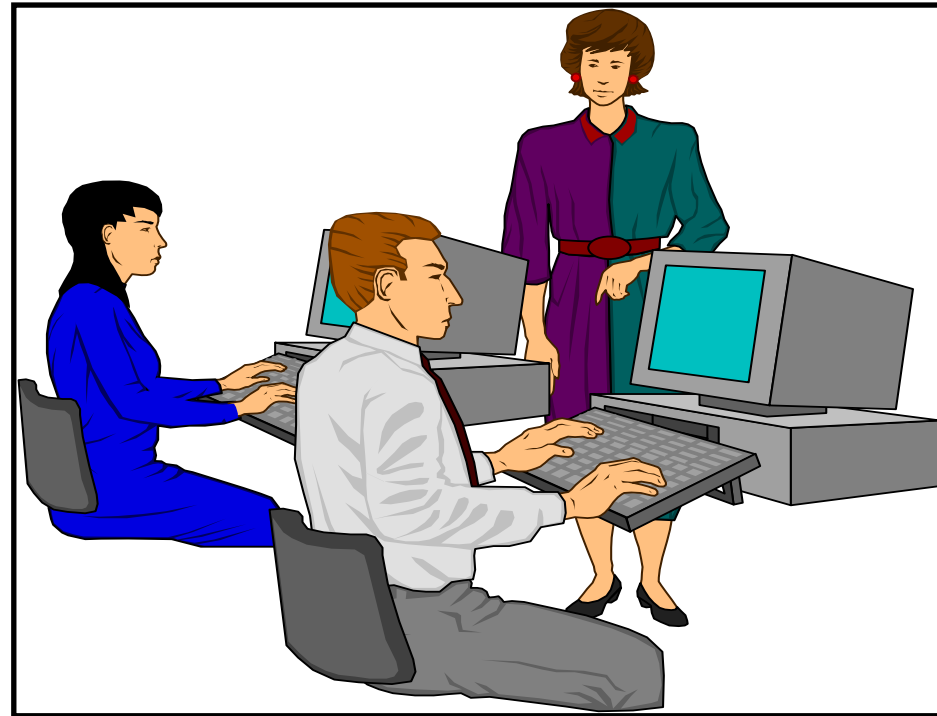
The risk in risk analysis and risk-taking.



4. Decision management

Risk in poor managers and supervisors.

- Provision of timely, relevant, quality information.
- Co-ordination and support.
- Monitoring implementation.
- Decision aids.
- Learning loops.
I.e. learn from success as well as failure.



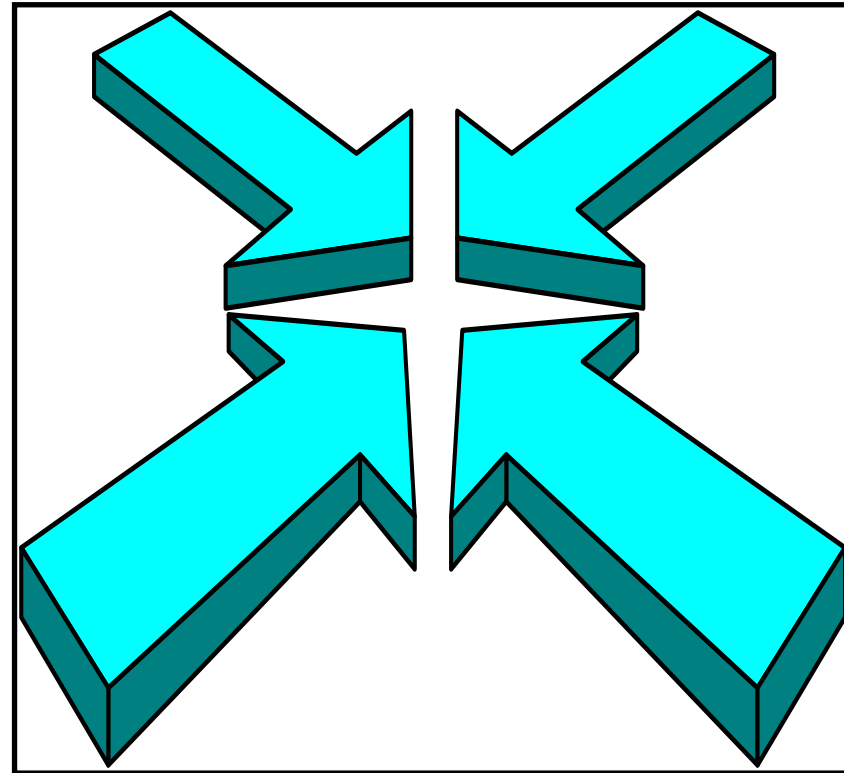
Managers' responsibility.

Promotion from one responsibility for risk taking to another.

5. System management

Do policies and services integrate?

- I.e. health and social services
- diversion of offenders
- Sharing of confidential information.
- Culture of learning.

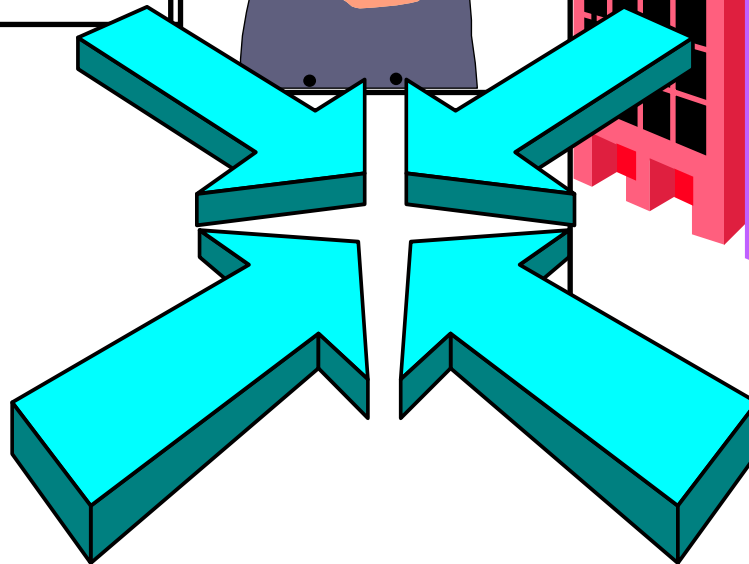
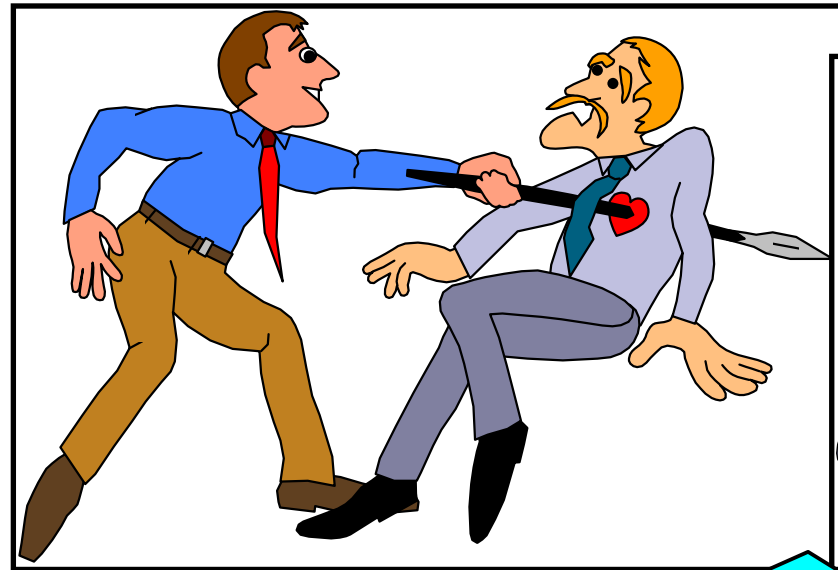


A coherent and consistent system

Nature of risk determines risk assessment, which iterative with risk management.



For safe risk-taking need action on all five 'fronts.'



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Justifying Risk Decisions

Systemic issues.

Get employers and professional bodies to recognise analytical fact. .

Precepts: Recognising – publicising – (analytical, legal, moral, etc.) reality

- **By definition, it is inevitable that harm will sometimes occur from risk taking, even with the highest quality decisions.**
- **When judging a risk decision both the assessment of the risk and the management of its implementation should be considered.**
- **The quality of a risk decision cannot be determined just because harm resulted.**
- **It is inappropriate to assume that a risk decision, its assessment and management, was good just because no harm results.**
- **Managers, and others responsible for supervising, learning from and supporting professional risk taking, should be concerned about poor risk taking, whether harm does or does not result.**

Precepts: Recognising – publicising – (analytical, legal, moral, etc.) reality

- **By definition, risk assessment involves imperfect knowledge.**
- **Professional risk assessment inevitably involves difficult, and sometimes controversial and contradictory, issues of value judgements.**
- **An organisation, its procedures and processes, the ‘system,’ can be a potent cause of poor risk-taking. It is inappropriate to focus exclusively on the contribution of individual decision makers and to ignore that of managers and others with power to control ‘the system.’**

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Justifying Risk Decisions

Weak spots.

Identify and act on causes
of poor decision-making.

Act on 'weak spots.'

Identify benefits, not just harms.

Risk-taking – with/for people with mental disorders – is purposive.

Identify the purposes as potential benefits.

Explicitly value them.

Value – and communicate - benefits.

Why do you propose taking this action?

Why is it important?

What will it permit to happen if succeed? (Opportunities).

How dependent is 'success' upon it?

Develop risk factors for success.

Risk factors are biased in favour of predicting harm.

'Preventive' risk factors are not enough.

Identifying why a harm might not be so serious or so likely is nowhere near the same as identifying a benefit, its importance or value.

Act on 'weak spots.'

Check use of risk factors.

- Is the same concern expressed in multiple ways?
- Is the same evidence used for several purposes?
- Is this appropriate?

Insist on using 'risk periods.'

- For how long is your prediction valid?
- Do others (including courts) know that.

Insist on adding any qualifiers.

Does your prediction (risk assessment) assume certain conditions / events will / will have taken place?

Acknowledge significance of omissions to act.

- Legal liability includes consequences of omission.
- Identify how this affects your decisions, i.e. consequences of inaction.

Act on 'weak spots.'

Ensure communicate effectively with colleagues and others.

Consider using a limited range of qualifiers to describe:

- Degree of outcomes – good and bad
- Likelihood.

Arrange them into a defensible hierarchy of fixed degrees of difference.

Get all colleagues and related professionals to use them.

Predict others' responses.

Hindsight effect.

Have assessments documented in advance.

Demonstrate know of and have taken account of potential decision errors, e.g.:

Information overload

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Any Questions?

Lunch time

