

Being Fair is only fair

NHS Resolution (2019) published a report, *Being Fair*, which offers an opportunity for institutions to reflect and consider how best to establish a just and learning culture which will benefit patients and staff.

Unfortunately, to err is human. This can be uncomfortable to acknowledge within health care, as errors, whether individual or systemic, can lead to patient harm. However, mistakes provide an opportunity to learn, and prevent similar mistakes from happening again. Errors are not marks of indifference or intolerance, but a vital part of how we learn and change. Errors allow us to alter our perspective and understanding of systems and events. A culture that inhibits transparency around errors and mistakes reduces our capacity to learn and improve patient care.

Being Fair encourages the NHS to take a different approach to errors, with an environment that is more conducive to learning. This can only improve work conditions and chimes with other literature which indicates that poor working conditions seem to have the strongest effects on wellbeing (Kinman and Teoh, 2018; Pendlebury, 2019).

The report is intended to be a conversation starter with guidance about establishing a non-adversarial working environment. This is vital for staff, but also for patients and their families. Small changes in initial conditions can create a significantly different outcome. *Being Fair* suggests that the following simple changes will have a positive impact on care:

- Providing individuals with appropriate support at all times
- Ensuring a culture that is non-adversarial and focused on learning rather than attributing blame

- Ensuring that new staff are supported and are aware of the organization's values and behaviours
- Introducing initiatives to reduce the number of staff disciplinary procedures following errors.

Examples of good practice

Being Fair includes some examples of good practice which trusts can use and replicate. It recommends establishing a just and learning culture charter by following these steps:

- Patients remain a paramount concern
- Patients impacted by clinical incidents and their relatives have a right to explanations, and to seek apologies, assurances and/or financial compensation for injuries
- Acknowledgement that the vast majority of incidents are unintentional
- An understanding of why things did not go as planned to minimize future risks
- Build a culture where individuals can speak up
- Where referral to a regulator is necessary, the principles of learning are employed and this is never used as an additional punishment.

Using a restorative approach and establishing a triage system for complaints are both outlined in *Being Fair* as useful options.

A just culture guide (NHS Improvement, 2018) ensures fair treatment of staff, by supporting staff to be open about mistakes, ensuring the reduction of unconscious bias especially in black, Asian and minority ethnic groups, and clarifying whether the issue is individual specific or a wider issue.

Employee staff records showed that in 70% of trusts, the likelihood of black, Asian and minority ethnic staff entering the disciplinary process was more than for white staff and in 59 (28%) trusts, black, Asian and minority ethnic staff were over twice as likely to enter the disciplinary process as white staff (NHS Resolution, 2019).

The negative impact of disciplinary actions for both staff and NHS trusts cannot be understated, so any initiative to reduce unnecessary disciplinary action is welcomed.

KEY POINTS

- The report *Being Fair* offers institutions an opportunity to reflect and consider how best to establish a just and learning culture which will benefit patients and staff.
- To err is human – error is an opportunity to learn and improve practice.
- A number of examples of good practice are available for replication.

Conclusions

Medical Protection has long advocated an open and learning culture, rather than one of blame. We know that doctors want to do right by their patients and that open communication leads to trust – the cornerstone of the doctor–patient relationship. Just as patients deserve honesty and a full explanation when something goes wrong, doctors need to be supported. This includes the removal of barriers and fostering an environment where doctors feel safe to admit their mistakes.

Being Fair is an important document that will help leaders of all health- and social-care organizations understand how they can support patients and staff when unexpected events occur. **BJHM**

The author would like to thank Ceylan Simsek, Case Management Assistant at Medical Protection, for her valuable contribution to this article.

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NHS Improvement. 2018. A just culture guide. (accessed 22 November 2019) <https://improvement.nhs.uk/resources/just-culture-guide/>

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