

Principles

*Proportionality
and methodology*

Core Competency 1A: Principles, standards and values

Proportionality - a process of balancing and prioritising

In these straightened times, it is not surprising that economical methods of learning from serious incidents will be sought wherever possible. Can compromises be made as to some of the Sequeli Principles below? For example, can the requirement of independence be dispensed with? What should be weighed in the balance? The following is not a complete list, but suggests how this balancing process might be approached.

Principles	Weighing their importance
Fairness	Without fairness to professionals, the review may be seen as unjustly blaming. Without hearing the voices of families and perpetrators it may be seen as neglecting their views. Without taking equality into account it could be perceived as biased. Any could damage the credibility of the review.
Impartiality	There are degrees of independence. However, anything less than independence from commissioners risks the criticism that impartiality has been compromised. Conflicts of interest will need to be explained.
Thoroughness	Ask what information will be missed by limiting the scope of a review (failing to include all agencies, restricting analysis to the recent past or not hearing from users of services). Consider whether the report will be lacking in authority if findings are not based on full and verifiable evidence.
Accountability	Remember publication can serve a legitimate need for catharsis for victims, professionals, public and commissioners. Reviews can be positive.
Transparency	Will the public consider that any failures in taxpayer's services have been properly examined and appropriate recommendations made.

Choosing a proportionate methodology

Most national guidance permits some flexibility. Sequeli advises a starting point of great thoroughness and adherence to all the principles. Compromises as to principles such as the above may then be weighed against what might be gained in order to carry out a review which is time and cost proportionate, taking into account:

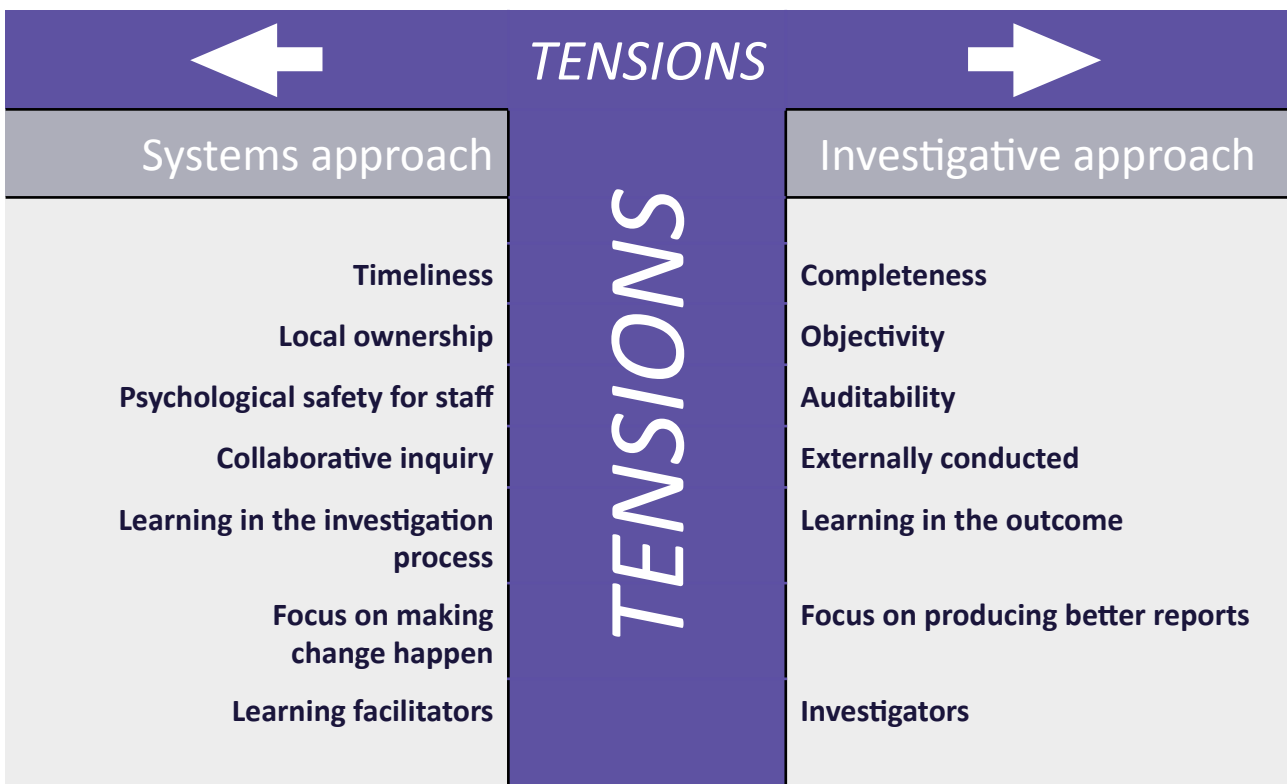
- The seriousness of the incident
- Any public interest in the outcome
- Any other reviews or investigations being conducted (in order to avoid unnecessary duplication)
- Any legal requirement such as Article 2 ECHR and any possibility of challenge by judicial review
- The likely effectiveness of the methodology or parts of the methodology for the purpose intended.

The decision taken, and its rationale, should be carefully recorded in the terms of reference and in the review report. The advantages and disadvantages (with any compromises) of the chosen methodology should be explained.

Systems and investigative methodologies

Both systems and investigative methodologies examine systems. The difference between the methodologies lies in how that is done. When an investigative approach is used, an independent chair or reviewer is appointed, evidence obtained, conclusions reached and recommendations usually made. A systems approach such as Root Cause Analysis is more often internal, with a focus on change facilitation during the review, sometimes in group discussion and with less emphasis on recommendations. There may be tension between these approaches.

Mental health investigations tend to use Root Cause Analysis. Children’s serious case reviews have adopted a range of approaches. The Department for Education in its 2013 Guidance [Working Together to Safeguard Children](#) states that 'LSCBs may use any learning model which is consistent with the principles in this guidance' and 'the approach taken to reviews should be proportionate according to the scale and level of complexity of the issues being examined' (Chapter 4, paragraph 9).



Tensions between Root Cause Analysis and investigative approaches

With thanks to Davide Nicolini, Professor of Organization Studies at Warwick Business School and co-author with Justin Waring and Jeanne Mengis of *The challenges of undertaking root cause analysis in health care: a qualitative study*, Journal of Health Services Research & Policy Vol 16 Suppl 1, 2011: 34–41 and *Policy and practice in the use of root cause analysis to investigate clinical adverse events: Mind the gap* Social Science & Medicine 73 (2011) 217-225.

Using a ‘hybrid’ methodology

Generally speaking, internal reviews tend to use systems methodologies which include interactive learning. The more serious the incident and the greater the need for public accountability, the more likely it is that an independent ‘investigative approach’ will be needed.

The tensions listed above are not irreconcilable. Some methodologies can be combined. For example, some Root Cause Analysis tools may be used in addition to investigative approaches as part of a ‘how and why’ analysis. Each review will have its own characteristics and may be placed anywhere on the ‘systems - investigative’ continuum, allowing a proportionate review tailored to the individual circumstances. It will be helpful to read this with Sequeli’s *Analysing*.