

Western Cape Department of Health

An Ethical Framework for Decision-making

Mission

Our mission is to improve the health of people in the Western Cape and beyond, by ensuring the provision of a balanced health care system, in partnership with stakeholders, within the context of optimal socio-economic development.

Accountability for reasonableness

There are four conditions that define a *fair* decision-making process:

Relevance: Decisions should be made on the basis of reasons (i.e., evidence, principles, values) that stakeholders can agree are relevant to meeting diverse health needs under resource constraints.

Publicity: Decisions and their rationales should be made publicly accessible.

Revision and Appeals: There should be opportunities for dispute resolution and to revisit and revise decisions in light of further evidence or arguments.

Enforcement: Leaders in specific decision contexts must ensure that the above three conditions are met.

Stakeholder engagement

May involve consultation and/or shared decision-making. Consultation techniques include surveys or small group deliberations. Their major weakness is that they are seldom formally connected with decision-making. Shared decision-making techniques include adding 'lay' members to decision-making committees, or providing a Citizens Council with veto power over the recommendations of expert panels.

(Source: Norman Daniels and James Sabin, *Setting Limits Fairly: Can We Learn to Share Medical Resources?* Oxford: Oxford University Press, 2002.)

The Western Province Department of Health has decided to embark on an explicit and accountable priority setting in health care and health expenditure. This document has been designed as an instrument to facilitate enhanced capacity in priority setting & dialogue amongst stakeholders/ decision-makers involved in Clinical Governance in the Province

Accountability in the Western Cape Department of Health

The value placed on accountability recognizes that as an institution, we are "responsible for the commitments we make" and "accountable to our communities for human and fiscal resources entrusted to us."

An important part of being publicly accountable is having ethical and effective decision-making processes. The Western Cape has adopted an ethical framework called 'accountability for reasonableness' to help decision-makers throughout the organization (Head Office, Central & Regional Hospitals, Clinical Units) set priorities and make decisions that are legitimate and fair.

Decision-making challenges

Decision-making about how to allocate scarce resources – time, personnel, space, equipment, money – affects patients and their families. How we make these tough decisions says a lot about who we are as an organization. We owe it to the communities we serve to ensure that the decisions we make about how to use scarce resources are of the highest caliber.

Living the value of Accountability means developing decision-making processes that are both ethical and effective. It has repeatedly been found that if people know and understand *why* a particular decision was made, they will be more willing to accept the decision. This is particularly true if people feel that they have been a part of the decision-making process. Even though there may be disagreement about what the "right" decision should be, decisions can be acceptable if the decision making process itself is fair.

Why 'Accountability for Reasonableness'?

'Accountability for Reasonableness' (A4R) is an ethical framework that describes the conditions of a *fair decision-making process*. It focuses on *how* decisions should be made and *why* these decisions are ethical.

In August 2007 with the support of the University of Toronto Joint Centre for Bioethics, and the UCT Bioethics Centre the Western Cape Department of Health adopted this ethical framework and identified a number of areas for improvement.

What's next?

The next steps are to translate the ethical framework for wider use at all levels of decision-making in the organization (Head Office, Central & Regional Hospitals, Clinical Units), to progressively implement these processes, and to evaluate our success with follow-up case studies so that we keep improving our decision-making processes.

Accountability in Action

Does your decision meet the conditions of A4R?

Before you make a decision...

Relevance condition:

- Have you identified *who* the stakeholders are and *how* you will include them in decision-making?

Publicity condition:

- Have you got a plan in place for effectively communicating the decision *and* its rationale to stakeholders?

Appeals condition:

- Is there a mechanism in place to revisit and revise decisions and to resolve disputes if they arise?
- Do stakeholders know it exists and how it works?

Enforcement condition:

- How will the fairness of the process be evaluated?

After you make a decision...

Relevance condition:

- Was a *rationale* for the decision clearly identified?
- Were any stakeholders missing from decision-making?

Publicity condition:

- Was the decision and its rationale communicated *effectively* to stakeholders?

Appeals condition:

- Were there opportunities to hear appeals and to revisit and revise decisions on the basis of new evidence or argument?

Enforcement condition:

- How could the process be *improved* to better meet these conditions?

When can this framework be applied? Who should apply it?

Generally speaking, the framework applies to any ethical decision that involves multiple stakeholders. As a rule of thumb: if someone's interests will be affected by a decision, then the ethical framework applies. This is because stakeholders deserve to know and understand why the decision is made and how they can participate in determining what the final decision will be.

This is particularly important in making resource allocation decisions. Senior management is already committed to applying the framework in its decision-making. But resource allocation decisions are made at many levels throughout the organization and not just by senior management. The ethical framework should guide decision-making about scarce resources by middle managers and clinicians as well.

Taking action: What should we do?

It is important not just to identify *what* the decision is, but also to provide an explanation of *why* the decision was made. The goal is to make reasonable decisions that are inclusive, transparent, and fair. Leadership is a common theme throughout this process.

To do this, you should:

- **Identify** your stakeholders and **include** them in decision-making. Stakeholders may be involved as decision-makers or as consultants in decision-making. The aim is to ensure that decision-making includes a broad range of ideas and stakeholder perspectives.
- **Clarify** your decision-making procedure upfront. Decision-makers and stakeholders alike need to know and understand a) how decisions will be made and b) how and on what basis they can appeal decisions.
- **Make a decision.**
- **Provide** a statement of rationale for each decision. It is not enough that a decision is made. Ethical decision-making requires that reasons be given to justify each decision.
- **Communicate** the decision and its rationale to stakeholders. The key is access to information and this means *effective communication*. Knowing who your stakeholders are will help to identify how best to communicate with them (e.g., websites, email, public forums, newsletters). Better yet, ask their input on how to develop an effective communication strategy.
- **Revisit and revise** decisions on the basis of new evidence or argument brought forward either through a formal appeals mechanism or through consultation with stakeholders.
- **Evaluate** how successfully the decision-making process met the conditions of 'accountability for reasonableness'. There may be gaps between *what you do* and *what you should be doing*. To close this gap, you need to be able to evaluate your success.
- **Improve** the decision-making process to make it more ethical. The gaps you identify are areas of improvement for subsequent iterations of decision-making. Learning from experience demonstrates that you take seriously our corporate commitment to being publicly accountable and to seeking excellence in how we do business as a health care institution.

For any queries, please contact Prof. Solly Benatar, or Dr. Beth Engelbrecht.