

Trains, conkers and audit: safety can never be paramount

I had to travel to London for an audit of my specialty society. In view of the disruption on the railways I decided to travel by car, and had the opportunity to give a lift to a neighbour, who is an infant school teacher. Whilst we were stuck in a traffic jam she told me how she had been frustrated by the instruction of a local education authority banning the playing of conkers in her school, lest the children injured their fingers. I told Charles this and he replied:

‘Coe, don’t you think that has lessons for audit?’

‘How?’

‘Well, let’s start with trains. We both know that trains are the safest form of transport if you consider accident risk and atmospheric pollution ...’

‘... and the health of the passengers themselves, less risk of infection as compared with air and less venous thrombosis from stasis as against road and air’ I interjected.

‘Agreed’, he continued, ‘the Hatfield train accident was the first associated with a risk that must have been present for 15 years or more since the introduction of high speed push or push-pull trains. It may have been increasing with frequent expresses and heavier good trains. The price of less frictional wear by using harder steel might be more cracking, but nevertheless, the hazard had been there for years and therefore the risk of a recurrence was low. Furthermore, the accident itself demonstrated great advances in carriage engineering since the train accidents at two other H’s, Harrow and Hellifield in the middle of the last century. Only four people were killed. Yet the government, rail safety bodies and rail management panicked to the extent that they imposed speed limits which were probably too frequent and certainly too severe in the light of the likely risk and hazard. By transferring the passengers away from the railways, this has almost certainly resulted in far more deaths than it could possibly have saved.’

‘I agree and feel particularly strongly about it as, in our part of the world, six people were killed in a single road accident only a few days later. Virtually no publicity ensued. What can be done about it?’

‘Well Coe’, he said, ‘the government acknowledges that 100% safety is unachievable but acts as though it is. It must accept that stringent safety measures

applied to one activity may be counterproductive elsewhere. Human life, though not measurable in monetary terms, is not of infinite value even to the individual, otherwise no one would sacrifice it for others or take risks in its fulfillment. When cost is regarded not as a charge but as what it buys, human endeavour, the law of diminishing returns must be respected.’

‘What’s the solution?’

‘The culture of government, its ministers and The Health & Safety Executive must change and accept this and take the global view. The recommendations of The Health & Safety Executive should consider not only the validity of the safety measures proposed but also the value of the activity and the likely disruption caused, together with the potential counterproductive effects in other fields. This implies prudent risk taking.’

‘Wouldn’t the press and lawyers have a field day if an accident occurred from taking such a risk?’

‘Potentially yes’, he said, ‘but logic demands that when accidents occur as a result of taking risks assessed as being to the greater good, the Executive takes the lead in defending managers or individuals in public or the courts. In this culture, transport – note I say *transport* not *rail* – would not be in chaos and your friend’s pupils would happily play conkers.’

‘What about the new rail safety body?’ I asked.

‘Such single issue safety organizations will only make matters worse unless their recommendations are made through a body with global responsibility. The same danger applies to public enquiries which should either investigate a single accident or deal with overall policy detached from tragic events.’

‘Football supporters who enjoyed watching from terraces might agree, but what has it to do with audit?’

‘There is the same danger of single issue decisions dictating general policy. Remember the annual distribution of 5% operative mortality? It would take 3–5 years to be confident statistically that one of 200 surgeons was indeed dangerous, meanwhile 20 or 30 extra deaths occur. The solution is early investigation knowing that most outliers will be there by chance. Absolutely open and truthful

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recording must be balanced by absolute confidentiality until the assessor is confident there is a real problem.'

'Hasn't the patient a right to know that the surgeon might be dangerous?' I asked.

'No, he said, 'Even the Human Rights Act allows proportionality. I think the court might be persuaded that the greater good demands confidentiality. More difficult, if we took an extreme case where a stretched service with no adjacent overcapacity was showing a target of 80% cure rate for cancer, but its mortality was five times greater than the standard 1%. Remedial action is estimated to take two years. Should the public know?'

'Yes' I said.

'That risks destroying the service during the remedial action, so 75% of patients with that cancer in that locality would die unnecessarily.'

'I see your point', I said, 'How do you overcome it?'

'A central audit organisation is required, nominated by, but independent of, the profession, the service and patients' organisations. It would receive all major audit reports and, taking a global view, should decide what should be published and the action required, such as naming and shaming or anonymous alerts of worrying trends. It would be a criminal offence to publish material the audit authority held confidential, but 'whistle blowers' could have direct access.'

'Yes', I said, 'It's all about getting the right balance.'

Charles summed up: 'Otherwise the spice of life will be consumed by the slogan 'Safety is paramount''

I wonder if there is any hope of a change in government as well as railway culture, and whether these ideas for an audit authority are practicable, or would it mean more work for the lawyers?

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