

Transparency, deception and trust

I was having a round of golf with Charles and as we walked down the fairway we were musing over the fact that the handicap system was now so open and consistent that one could be confident of the ability of a player whom one had met in a golf hotel on the Algarve.

‘Surely this illustrates the value of the transparency we now have in personnel and clinical matters of the health service,’ I said.

‘I’ve never quite understood why “transparency” is used in this context,’ Charles replied. ‘Surely if something is transparent you can’t see it – maybe to your detriment. Have you tried to walk through an unmarked glass door?’

‘Yes,’ I replied ruefully.

‘Take a discussion paper. What is meant to be transparent? The cover? You won’t know the agenda. The text? You won’t see the arguments. The conclusions? You won’t know what is proposed. This is not as ridiculous as it sounds. It is useless to see the arguments without the agenda or the names of the authors to enable you to weigh the former’s likely value.’

‘Perhaps I should have said openness rather than transparency.’

‘Fair enough,’ he replied, ‘but did you listen to the recent Reith Lectures by Dr Onora O’Neill? She suggested that openness might be the enemy of trust and does little to counter the real evil which is deception, not secrecy.’

‘No, I didn’t,’ I replied. ‘So go on.’

‘She pointed out that enthusiasm for openness and transparency had done little to build or restore public trust. Quite the contrary – trust has receded as transparency has advanced.’

‘I admit that some of my colleagues feel that is happening in their relationships with patients, but I always tell them that complete openness will solve the problem.’

‘Dr O’Neill would have some doubts about that and she gave several reasons why. I would add to them the simple fact that an atmosphere of mistrust is conducive to the development of a vicious downward circle. Feeding this with more information from more sources would inevitably fuel that vicious circle rather than damp it down. As she points out, naive receivers of information, naive to the subject that is, have little ability to sort out the weight of the evidence and its likely accuracy, whether misinformation arises from genuine mistakes or deception. In this way, openness may be the enemy of trust without necessarily combating deception.’

‘I hadn’t thought of it that way,’ I replied, but added, ‘on second thoughts, I recognise what you say in the concerned daughter who asks everyone on the ward about the condition of her mother. Sometimes one feels that this arises from genuine concern, but often you feel it is done almost with malicious intent, trying to trap one member of the staff into giving a different answer from the others.’

‘Yes, that was one of the three examples I was going to give where secrecy may be the friend of trust. If all agree not to discuss the patient’s condition with the daughter until everyone knows precisely what to say after the prognosis and management had been agreed, then the consistent answers would enhance trust. To do so may involve a period of secrecy.’

‘What about your other examples?’ I asked.

‘Well, remember when we talked about audit, I suggested that as potential problems are recognisable before chance can be discounted, it is essential that the early stages of audit are kept confidential. Imagine a very good surgical unit in a district general hospital without surgical back-up. Say that this year, although the running average for mortality over five years is still on the favourable side of the median, mortality is by chance double that of last year. The local paper gets hold of the current rate and publishes it claiming that the performance of the unit has clearly gone downhill over the last year. Subsequent investigation shows each extra event has a satisfactory explanation. Too late! The press might choose not to publish this or

to present it as a management cover-up. Trust has now been destroyed.'

'And the third?'

'Making references open to the candidate,' he replied.

'Surely that is a good thing. It works well in the army.'

'I accept that,' he replied, 'but civilian life doesn't have the discipline to support the repercussions.'

'But surely you should be prepared to stand by what you say?'

'Yes,' he said, 'but one of the problems is that many of those who argue in favour of openness correctly believe that something proven to be untrue is untrue, but wrongly believe that the corollary is also true – that something that cannot be proven to be true is necessarily untrue. Much of the assessment of a person's potential is related to subtle and unprovable differences in character and nuances of intelligence that the experienced can detect. Much of the modern condemnation of such references arises from the fact they cannot be proved to be true rather than they are actually untrue. To suggest that a career might be destroyed on the opinion of one man is fundamentally invalid, because these references should never be interpreted in isolation.'

'But how is deception induced?'

'Let's go to another field. Consider the district chairman of the Crown Court who has to give advice to the Lord Chancellor on a judicial appointment. He genuinely believes that a barrister who frequently appears before him is not quite up to the job. There is nothing he can quote to prove it. On the

whole the barrister performs well and indeed is a good advocate, particularly in mitigation, but probably has wrongly lost an occasional complex case where he hasn't quite got to the core of the matter. If the report is confidential the judge has no problems, but what does he do if he knows the barrister is going to read it?'

'He should stand by his convictions,' I replied.

'It isn't as easy as that. What happens next time the barrister appears before him? Will he feel the judge is prejudiced against him? Will he lack confidence in his plea of mitigation or try and see difficulties in cases when there are none? This would be very much to the detriment of his clients.'

'But then he shouldn't be practising,' I said.

'No,' he replied, 'No one can have a perfect service, and besides he performs well at his level. The temptation must be for the judge to modify his reference.'

'But in good faith.'

'But deception nevertheless.' He pondered for a moment. 'Perhaps the example we started with isn't quite as sound as we thought.'

'How?' I asked.

'Think of the golfer playing to handicap in a club competition but whose playing partner is having a golden day. As he knows he can't win, mightn't the 17th and 18th holes be an opportunity to raise his handicap so that he might have a better chance next time. Provided he was not too blatant, all the openness in the world can't prevent that.'

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