Another Ace
Asking the Right Questions in Ethics

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ST JOHN OF GOD
Health Care

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Outline

1. Catching up

2. How to Avoid Missing the Target

3. Reality-Revealing Questions

4. Case Studies

1. Catching Up

- When did you attend *Ethics ACEs* or *Maintaining our Ethical Culture*?

- What important messages do you remember from the programme?

- Since then, how have you been going as an *Ethics ACE* or *Maintaining our Ethical Culture*?

- What more would you like to achieve?

2. Missing the Target

- In the Old Testament, the word for sin was *hattah* ('missing the target')

- It is very important that we don't miss the target in ethical decision-making!

Culpable or Not Culpable?

- culpable = we have *some* responsibility
- not culpable = we have *no* responsibility
  - When things go wrong, our first instinct is often to deny responsibility ("It's not my fault")
  - As we mature, we become more able to acknowledge how we might have contributed
  - Recognising how we may have missed the target helps us to change and do better ('continuous quality improvement')

Ways of Missing the Target

- Malice
  - "I know it's wrong, but I'm doing it anyway!"
- Passion
  - not culpable: we can be overwhelmed by strong emotions
  - culpable: I could have managed my emotions, but I let myself be overwhelmed
- Ignorance
  - not culpable = there are some things no one can anticipate
  - culpable = I should have known, but I didn't make enough effort to find out
    - self-deception = I worked very hard at not seeing!

A Particular Concern

- The 'ripple effect'

  = how ethical decisions can have deep effects on many people beyond the key players

  e.g. other ward staff, pastoral carers, admin officers, members of extended family, etc.

  - It is important that we ask:
    - Who else will be affected by this decision?
    - How will we look after these people as well?

- **What should we do (or not do) so we do not miss the target in our ethical decision-making?**

  - What advice do you give?

  - Please discuss in small groups…

Two suggestions

1. We must be deliberate in significant decision-making

   - Fast is slow;
   - slow is steady;
   - steady is fast.

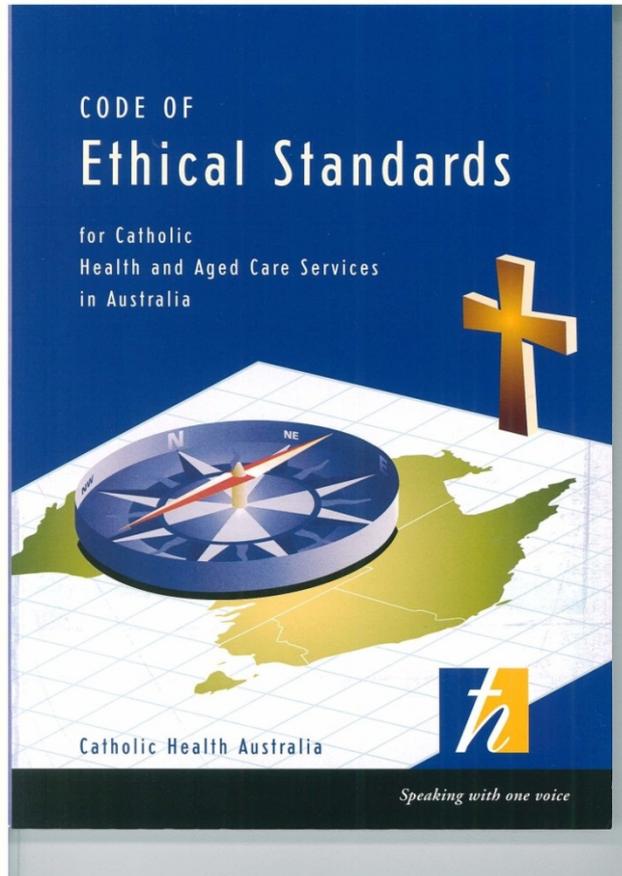2. Use our ethical frameworks for significant decision-making

Framework 1: The Grid

Problem		Ethical Principle	Legal Position
1	What problem do we see ?	What does CHA Code say about this ?	What does the law say ?

Code of Ethical Standards

CODE OF
Ethical Standards

for Catholic
Health and Aged Care Services
in Australia

Catholic Health Australia

Speaking with one voice

- 100 pages!

- Part I: Seven Values

- Part II: Guidelines in Eight Areas

- Index (pages 69-82)

- Download for free from the **Catholic Health Australia** website: **http://www.cha.org.au/ publications.html**

Framework 2: Values-based

- What are the facts of the case?

- What are the values at stake?

- Are there any guiding ethical principles?

- Who should be involved in deciding?

- Can the decision be reviewed?

Framework 3: D.E.C.I.D.E.

Define the problem   *what facts? ethical issues?*

Ethical review   *values? principles? priorities?*

Consider options   *what is reasonable to do?*

Investigate outcomes   *costs/benefits, outcomes*

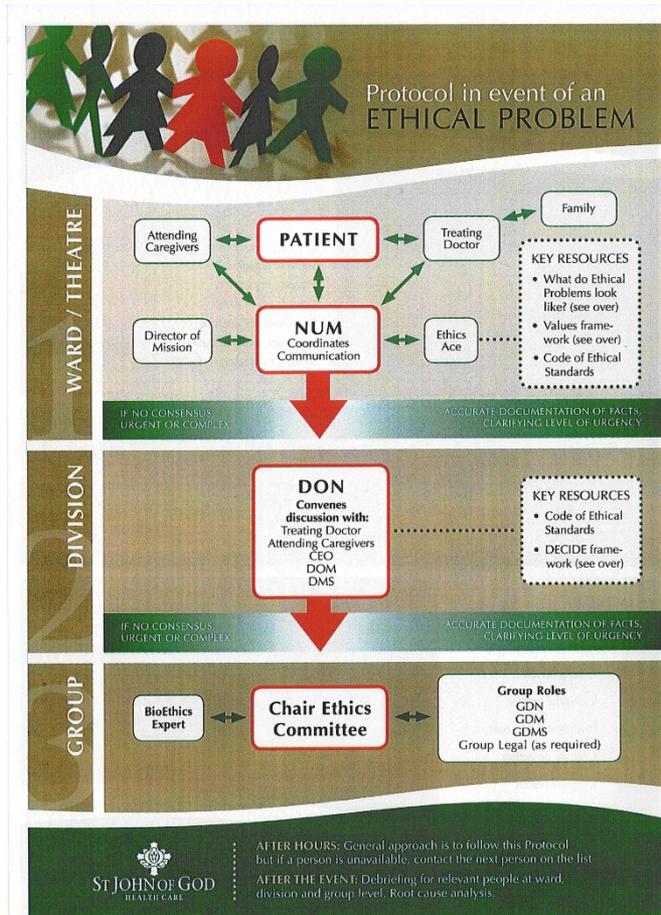**D**ecide on action   *agreed action plan*

Evaluate results   *criteria for assessment?*

Protocol in the event of an ethical problem

- Good processes ensure that:
  - important steps are not forgotten, and
  - everything is done in an orderly way.
- Try to resolve ethical problems firstly within the ward/theatre.
- If concerns remain, the **NUM** escalates to the division.
- If concerns still remain, the **DON** escalates to the group.

Case Studies

- What are the facts of the case?

- What does the Code say?

- What does the Grid say?

- Is the Values-Based Framework useful?

- Is the D.E.C.I.D.E. Framework useful?

- What do you conclude? How certain are you?

- When should the decision be reviewed?

3. Reality-Revealing Questions

"I keep six honest serving-men

(They taught me all I knew);

Their names are **What** and **Why** and **When**

And **How** and **Where** and **Who**."

Rudyard Kipling (1902)

Reality-Revealing Questions

- **What?** & **Why?**

- **How?** & **Who?**

- **Where?** & **When?**

- **Consequences** & **Alternatives**
  (or **What if?** & **What else?**)

What?

- the moral "species": what type of action is this? (e.g. self-defence or murder)
- Dare we name the action for what it is?
- Do we have enough information to determine 'what' type of action this is?
- Do we all agree on the meaning of this action, or are there competing views?
- We should not do this if it is something we should not do!

Why?

- Reasons of the heart (motivation): *"I did it out of love"*
- Reasons of the head (intention): *"what did I intend to achieve?"*
- In ethics, the 'reason of the head' (intention) is critical
- Intention may be difficult to determine:
  - We listen to what a person says is their intention.
  - We also look to other information.
  - Sometimes, other information challenges the stated intention:
  - e.g. Someone says that they gave another person medication to relieve pain. But the dose is so much more than is needed to relieve pain. We suspect that really a lethal dose was given to end someone's life.

How? and **Who?**

- 'How' something is done can be critical

    - we can do the right thing the wrong way (e.g. insensitively)

- 'Who' may also be very relevant

    - e.g. what is appropriate to do for one person may be inappropriate to do for another

Where? and **When?**

- Like 'how' and 'who', location and timing of actions can determine whether they are right or wrong

- e.g. it may be inappropriate to have this conversation in front of the patient (where); or it may be necessary to have it now and not later (when).

Consequences (What if?)

- What are the consequences of this thing being done?

- Will a good thing or a bad thing happen? This may not determine the issue, but consequences can be very significant factors in choosing which course of action to follow, e.g.

  o Will this treatment produce more burdens than benefits?

  o Will this action close off other options?

Alternatives (What else?)

- What alternative courses of action could we consider?

- For example, if there is a less harmful way to achieve some good outcome, maybe we should choose that - e.g. treat with medication rather than amputation

Reality-Revealing Questions

- What?   *What is going on ?*

- Why?   *What am I intending to achieve ?*

- How?   *Am I going about this the right way ?*

- Who?   *Do I know enough about these people ?*

- Where?   *Is this the right place ?*

- When?   *Is this the right time ?*

- What if?   *What will the various consequences be ?*

- What else?   *What alternatives are there ?*

4. Case Studies

- Ask the Reality-Revealing Questions: what are the facts of the case?

- What does the Code say?

- What does the Grid say?

- Is the Values-Based Framework useful?

- Is the D.E.C.I.D.E. Framework useful?

- What do you conclude? How certain are you?

- When should the decision be reviewed?

A concluding thought

- In June 2013, the Australian army began an investigation of emails demeaning to women distributed by male army personnel. On 13 June, Chief of Army Lieutenant General David Morrison AO released a 3-minute YouTube video. See the video at **https://www.youtube.com/watch?v=QaqpoeVgr8U**

- Lt Gen Morrison stated that this sort of behaviour was "in direct contravention to every value that the Australian Army stands for."

- He also insisted that every member of the military is responsible for its culture and reputation. "If you become aware of any individual degrading another, then show moral courage and take a stand against it."

- **"The standard you walk past is the standard you accept."**

Chief of Army
Lt-Gen David Morrison AO