Human Factors and Compliance Success

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Are We “Only Human”?

- Human Factors:
  - Ubiquitous in Every System, including Compliance Systems
    - People Build the Systems, so....
    - From Start (establishing Compliance Requirements, Rules, Regulations)
    - To Finish (assessing Compliance)
    - And In the Interim, too (formulating Compliance programs, responses, activities)
    - People are everywhere in every system
Human Factor is More than Just Human Errors –

- We create the regulations
- We create the processes to comply with the regulations
- We execute the processes
- We enforce the regulations
- We audit compliance with the regulations...

Humans as Risk Factors and Humans as Heroes

- Are We Risks? Heroes? Neither?
- Bit of Both?
- Root Cause Analyses and “human error”
- Heroic human acts avoiding/limiting error
- So, How Do We Harness Human Factors to Enhance Compliance Efforts....And Make Ourselves More Heroic and Less Risk Factor?
Know Your Errors

- An error is an error is an error?
- No!!!!!!!!
- Understanding the circumstances, the person or persons involved and the error itself (including its consequences) is essential to preventing another, similar error.
- Consider whether the person making the error is “the problem” or the first step towards preventing the problem in future.

Latent Errors

- Near Misses and Potential Errors
- Landmines waiting to be exploded
- Ambiguities in the Regulations, the compliance processes, or..............both?
- Human as Risk Factor (stepping on the landmine)
- Human as Hero (Recognizing the latent error and preventing an actual error).
Strategies to Address Latent Errors

- Proactive, collaborative regulatory environment (the regulators and the regulated work together for clarity of regulations).
- Mindful, thorough and common understanding of the regulations by the regulators and the regulated.
- For the regulated, a culture open to and supportive of anticipatory (proactive) compliance strategies – i.e., a common understanding that the mission includes correcting the error before it occurs.

Patent Errors

- Direct hits (not near misses or potential errors)
- Slips and Lapses
- Rule-based Mistakes
- Knowledge-based Mistakes
- Why does it matter what kind of mistake?
- Preventing repeat mistakes depends on knowing which kind of mistake occurred
Slips and Lapses

- I could have had a V-8....
- Drivers: Inattention, Over-attention, Preoccupation, Lack of focus, Wrong focus
- Result: Failure to apply the right kind of attention in the right way at the right time – an error
- Most common, most easily corrected and most easily avoided in future.
- Elimination of distractions and heightened focus can be important tools.

Rule-Based Mistakes

- “Strong, but Wrong” response in a situation
- Failure to apply a known rule or misapplication of a known rule in a situation
- Next most frequent form of human error, after slips and lapses
- Lack of training and failure of training
- Drill and Practice and heightened oversight can be important tools
Knowledge-based Mistakes

- We never saw it coming….who knew?
- Situations not anticipated, not trained for, not prepared to address...
- Heroic human action is the last, best hope to avoid this error (quick thinking and high risk solutions may avert the error, or not)
- If the heroic human action fails, the human errs....

Knowledge-based Mistakes, cont’d

- Arguably, a progression of humans have erred to enable a knowledge-based mistake:
  - Failed to anticipate the circumstances
  - Failed to develop the tools and processes to address the unanticipated circumstances
  - Failed effort to correct the circumstances without tools, training or any prior warning
Knowledge-based Mistakes, more:

- Most difficult error to prevent, plan for, train for....
- Most reliant on heroic human efforts
- Best defense may be a mature compliance environment, with multiple layers of review and oversight, multiple perspectives and an awareness of the risks inherent in “group think”

Knowledge-based Mistakes, more:

- Recognition and anticipation of those difficult to anticipate situations
- Formulation of rules and tools to address
- Supportive environment that tolerates the kinds of risks inherent in attempts to avoid knowledge-based mistakes and prepares (trains) humans to step up in those situations
Overall Strategy for Addressing Patent or Actual Errors

- Mistakes will occur – drive to reduce the risk of errors and the kinds of errors:
  - Reduce knowledge-based errors to rule based errors
  - Reduce rule-based errors to slips and lapses
  - Reduce slips and lapses
- After-event Reviews must occur – identify the error(s) and implement measures to reduce the risk of reoccurrences

Overall Strategies to Address Human Errors

- If humans are the problem, know also that humans are the solution...
- The (not so) humble checklist
  - Guide for Standard Processes
  - A tool to bring “focus” where attention may otherwise be misdirected or undirected
  - A tool to free the human mind to prevent more difficult forms of error: identifying patterns, developing and applying rules reacting to the unanticipated situation
Other Strategies

- Regular, On-going reviews of written processes
  - Identify areas to be clarified
  - Identify gaps to be filled
  - Encourage critical thinking and mindful participation in error prevention across the organization
  - Reinforce the right kinds of “habits” – not rote response, but thoughtful implementation
  - Welcome opportunities for improvement
  - Establish “shared responsibility” and ownership
  - No one steps over, around or to the side of a gap

More Strategies

- Drills and Practice Audits
  - Learning to expect the unexpected
  - Learning when and how to apply the rules
  - Learning focus, mindfulness and how to use available tools

- The Value of Simulations
  - Low-consequence errors and error recovery
  - Context is key – extrapolating the lessons learned and the skills developed
Human Factors and Compliance

- Recognize the human contribution to compliance – the risks and the value
- Empower humans to understand and overcome errors
  - Spot and Correct Latent and Actual Errors
  - Review lessons-learned
  - Embrace continuous improvements

Three Goals for a Transformative Compliance Effort

- Drive to reduce the risk of errors
  - Prevent latent errors from becoming errors
  - Reduce knowledge-based errors to rule-based errors
  - Reduce rule-based errors to slips and lapses
  - Reduce slips and lapses
- Communicate and Implement the tools and strategies to support the drive
- Transcend error and transform compliance
  - Reducing the risk of human error and
  - Supporting and encouraging strategic responses to errors when those errors occur
Additional Resources

- Daniel Kahnman, *Thinking, Fast and Slow* (2011)