

Chapter 2

Risk: What Is It, Whom Does It Protect, and What Happened to Care?

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ABSTRACT

Risk assessment and management are considered core elements of healthcare practice. However, a brief examination of the theoretical literature on risk demonstrates that it is not a fixed concept. This chapter will critically analyze the impact that focusing on risk has on healthcare practice. The authors will join many others in pointing out the many potential negative impacts of viewing healthcare through the lens of risk. One risk type, suicide risk, will be examined closely. It will be shown that health professionals often fear liability when risk is a factor. In order to dissuade these fears, the legal elements of liability will be outlined, and relevant common law judgements will be discussed. Finally, future directions will be discussed.

INTRODUCTION

The assessment and management of risk are now considered to be crucial elements of health care practice, in Australia and internationally (Clancy & Happell, 2014; Hillman, Tadd, Calnan, Calnan, Bayer, & Read, 2013; Lane & Reiger, 2013). Across a variety of practice contexts, health professionals encounter

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Risk

the notion of risk on a daily basis. Risk is embedded throughout all tiers of health organisations: Directors, managers, and clinicians alike all have risk management responsibilities.

Risk is so deeply embedded in health services that it can be difficult to imagine a system which is not, in some way, ordered around this concept. This has not always been the case. Danger and uncertainty have always been facts of life. The concept of “risk”, on the other hand, has gained increasing prominence over the past several decades. Several authors (Clancy & Happell, 2014; Horlick-Jones, 2005a; Lane & Reiger, 2013) have documented this rise in the focus on risk, including Eagleton-Pierce (2016), who discussed “problems which are now called risks” (p.164). Similarly, Beck (1992) referred to “(r)isks, as opposed to older dangers” (p.21). The increasing focus on risk in health care does not reflect that patients are exposed to greater dangers compared with a prerisk era. To the contrary, advances in health care mean that it is constantly becoming safer for people to access treatment. Risk is simply a new way of relating to the age-old reality that many aspects of life (health care included) contain dangers, uncertainties, problems or contingencies.

This chapter will begin by exploring theoretical approaches to risk. It will show that risk is an ambiguous concept, as it takes on different meanings in different disciplines. Risk will then be examined linguistically by discussing the many different uses of this term in health care. This will further trouble the concept of risk, by demonstrating that risk is often morally loaded and contingent on an unspoken norm. Subsequently, the chapter will examine the impact of risk on health care practice. As a case study of a risk type, suicide risk will be explored in depth. This will illustrate the many potential negative impacts of ordering health care around the paradigm of risk. One such impact is that risk can lead clinicians to focus on liability. The chapter will examine the legal requirements of liability. Relevant common law judgements of negligence claims will be explored, to demonstrate that negligence claims often favour health services and practitioners (Popa, 2017). Having outlined the many potential issues of a risk focus in health care, the chapter will discuss future directions.

Risk Is Important, but What Is It?

Risk takes on different meanings, depending on the lens through which it is viewed. Although exceptions occur, approaches to theorising risk can be broadly grouped into three categories: Sociological, economic (/“objective” sciences), and psychological. These will be briefly examined, to demonstrate that risk is not a concept with a universally accepted meaning.

THEORETICAL APPROACHES TO RISK

Sociological

In sociology, risk may be understood as both a product and a condition of a collective cultural group. Beck’s (1992) idea of “the risk society” is an example of a sociological risk theory. Beck (1992; 2009) theorised that Western societies have become preoccupied with risk in response to new threats produced by globalisation. He posited that the concept of risk has been reinvented through the process of modernisation, to reflect growing dangers in the modern world: Nuclear energy, climate change, the threat of environmental catastrophes (Beck, 1992), and, later, genetic technology, nanotechnology (Beck, 2002), terrorism, and economic collapse (Beck, 2008). Beck understood risk as a socially and culturally con-

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