

SCAP/CAP Development and Root Cause Determination



SCAP/CAP

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What is a CAP?

A CAP is a Corrective Action Plan where one or more correction action steps are identified and placed in a formal document in order to correct a problem/incident which has occurred.





When should a CAP be written?

Should you wait to write a CAP until the case is settled?

What is a SCAP?

- A SCAP is a Summary Corrective Action Plan which is a public document.
- Should names of individuals be listed in a SCAP?



Confidentiality

Are SCAPs/CAPs confidential?



When is a SCAP/CAP Mandatory?

- The Board of Supervisors (BOS), ordered the creation of a program to develop, implement, and manage specific Corrective Action Plans (CAPs) and Summary Corrective Action Plans (SCAPs) for tort liability settlements that result in settlements more than \$100,000. Medical Malpractice cases are only required to draft SCAPs/CAPs that result in settlements for more than \$100,000.

What is the difference between a factor for settlement and the root cause?

- The factor for settlement is a legal concept whereas the root cause is why the incident occurred.



Root Cause Determination



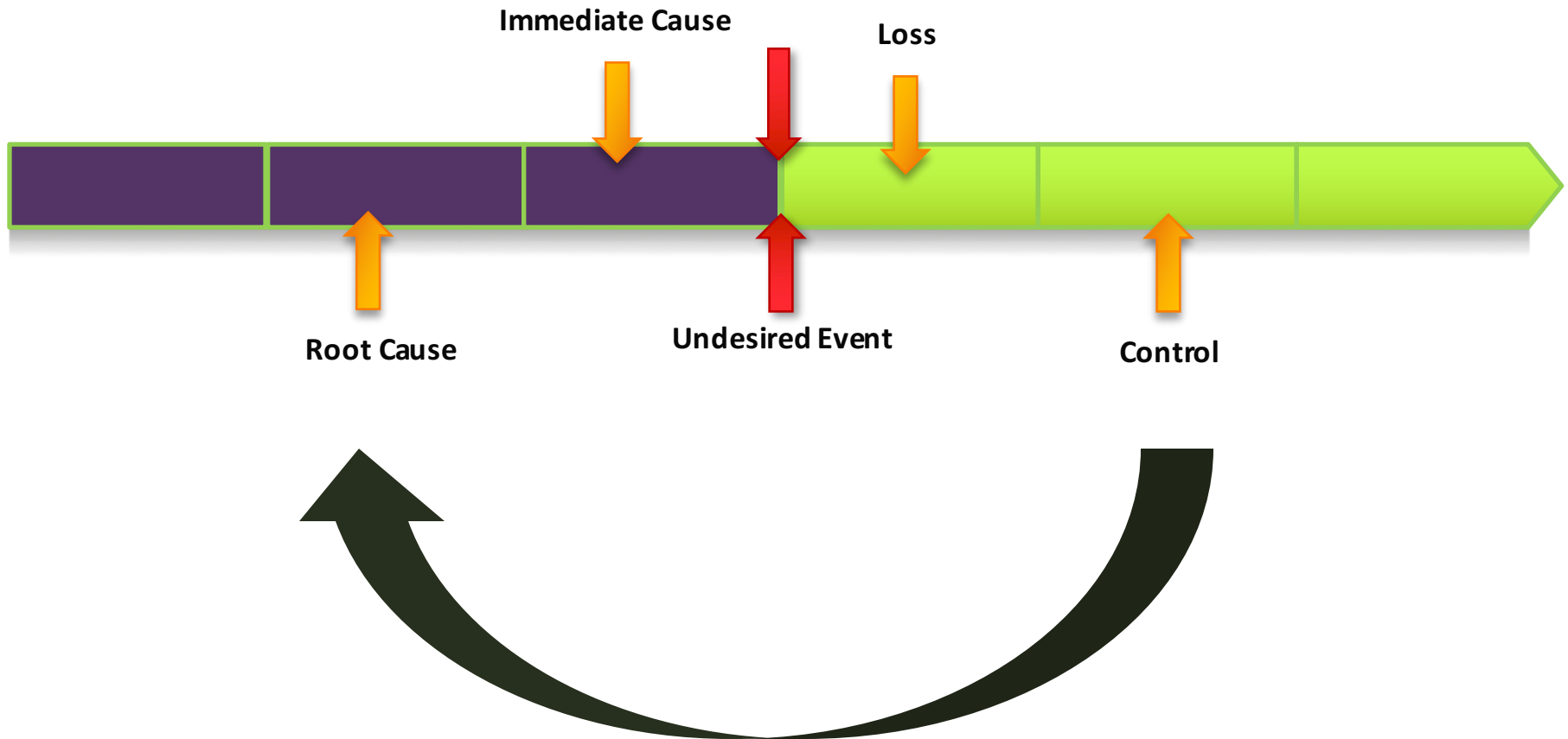
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Benefit and Importance

- Prevent recurrence
- Provide preventive measures on other aspects of County business processes
- Satisfy legal or regulatory requirements for claims and litigation
- Build departmental awareness and communicate best practices



Event Timeline



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Loss

- Vehicle is damaged beyond repair, bodily damage to both parties
- Person loses income, suffers emotional distress, and loses the ability to work
- Discrimination, sexual harassment, retaliation, resulting in loss morale and loss dollars
- Bad publicity, public scrutiny, criminal charges, and loss of productivity



Undesired Event

- Vehicle rear-ending the vehicle in front of them
- Person slips and falls, impacting their hip on the floor
- Person does not see the step, falls, and hits their head on the floor
- A hostile environment develops within a group of employees
- An employee's accommodation is delayed
- An inspector harasses a restaurant owner and asks for favors in return for good ratings

Hazards

- Leaking brake lines
- Wet floor
- Uneven surfaces and unmarked steps
- Inadequate supervision
- Inadequate subject matter training
- Employee misconduct



Immediate Cause

- Loss of brake fluid and no pressure in the brake lines
- Inattention to steps or wet surfaces
- Foul language and derogatory comments made to co-workers
- An employee has waited two year without a response to their reasonable accommodation request
- Inspector abusing their authority for passing/failing the restaurant within COLA jurisdiction



Root Cause

- Mechanics do not have a formal list of items to check on vehicles
- Restroom sink leaking for a week, no reporting mechanism or inspections
- Awkward paths of egress and no directional guidance
- Supervisor not trained or able to discipline employees
- Not the first time the supervisor knew about employee misconduct and nothing was done about it

Corrective Actions

- Vehicle checklist is developed for mechanics
- Restroom attendants do an hourly check on operations
- Redesign path of egress with directional guidance
- Each supervisor on probation goes through supervisor academy and policies in HR are enforced
- A questionnaire is given to members of the public on the conduct of inspectors



VS



Investigation Tips

- Handle emergencies
- Secure the scene
- Gather physical evidence
- Gather intelligence
- Review policies, procedures, regulations and guidelines
- Review existing records
- Seek information from department subject matter experts



Root Cause Determination

5 Why Approach

1. Write out the problem
2. Ask “Why the problem happened”
3. Answer each “why” question
4. Repeat step 2 until a root cause is found



5 Why Approach Example



Problem: The Washington Monument was disintegrating.

Why? Use of harsh chemicals

Why? To clean pigeon droppings

Why so many pigeons? They eat spiders and there are a lot of spiders at monument

Why so many spiders? They eat gnats and lots of gnats at monument

Why so many gnats? They are attracted to the light at dusk

Solution:

Turn on the lights at a later time, which does not attract the gnats at dusk, which minimizes the amount of spiders due to a lack of a food source, which minimizes the amount of pigeon and their dropping resulting in a lower amount of harsh chemicals being used. Do not limit your analysis at this point. There is no limit to the amount of questions. If this does not work, repeat the process.

Root Cause Determination

Causal Factors

Process/System	Personnel	Equipment	Property
<ul style="list-style-type: none">• Policy• Procedure• Lack of an efficient training program	<ul style="list-style-type: none">• Actions of people• Act upon or fail to act upon	<ul style="list-style-type: none">• Equipment failure	<ul style="list-style-type: none">• Damage or defects in structure• Poor lighting• Stairs• County road• Inadequate security

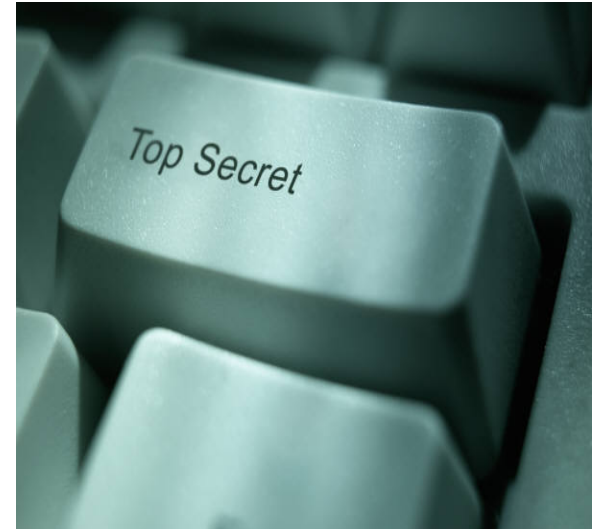
Causal Factor Examples

Problem: The Washington Monument was disintegrating.

Process/System	Personnel	Equipment	Property
<ul style="list-style-type: none">• No policy or procedure to do periodic inspection of the monument for damages	<ul style="list-style-type: none">• Employees did not follow instructions on the application of the harsh chemicals per policy	<ul style="list-style-type: none">• Application spray had a faulty nozzle administering more chemicals, then necessary	<ul style="list-style-type: none">• Monument location or material was not evaluated for environmental conditions• N/A

CAP CASE STUDIES

- **Automobile Liability**
- **General Liability**
- **Employment Practices Liability**



WHO NEEDS WHAT? – CAP STAKEHOLDERS

What is RMIG looking for in a SCAP/CAP?



RMIG will review the SCAP/CAP to ensure that appropriate corrective actions have been taken and are realistic, obtainable, goals which will not only solve the problem but can be undertaken without an undue burden. Discipline, training, and system-wide corrective actions are some of the items RMIG looks for when reviewing a SCAP/CAP.

What happens to a SCAP/CAP once it has been approved by RMIG?

Once approved, RMIG will send the signed SCAP back to the Department who is required to send it to County Counsel. At this point County Counsel will schedule the Claims Board meeting as well as finalize their Claims Board memo.

COUNTY COUNSEL



What is County Counsel's role with a CAP?

- Once a SCAP/CAP has been drafted it is recommended the department submit to County Counsel to see if they have comments, after which the department will send the SCAP/CAP to RMIG for approval.
- Once approved, RMIG will send the signed SCAP back to the Department who is required to send it to County Counsel. At this point County Counsel will schedule the Claims Board meeting as well as finalize their Claims Board memo.
- It is always a good practice to check with County Counsel before finalizing the SCAP/CAP to ensure that the Claims Board memo and the SCAP/CAP work harmoniously together and are not contradictory to one another.
- Corrective actions should be taken as soon as possible after an incident occurs. County Counsel may not want or advise the actual CAP document be drafted at that time for liability purposes but this does not mean that corrective actions should not be done!!!!!!!

CLAIMS BOARD

What is the Claims Board?



- Cases involving settlements between \$20,000 and \$100,000 require the approval of the County Claims Board. In the Claims Board meetings, representatives from departments, County Counsel, and outside counsel present justifications for the proposed settlement amount and review corrective action steps designed to prevent recurrences. For claims with settlement amounts greater than \$100,000, the Claims Board refers such settlements, with a recommendation, to the Board of supervisors for final action. The Claims Board has three (3) appointed members from the Chief Executive Office, County Counsel, and Auditor-Controller. The County Risk Manager is the CEO member of the Claims Board, but the Loss Control and Prevention Manager, Operations Manager, and Risk Management Inspector General are also actively engaged in reviewing and evaluating settlements.

BOARD DEPUTIES, DEPARTMENTS AND OUTSIDE COUNSEL

What is a Cluster meeting?

- If a claim is over a \$100,000 then this case and CAP will go to the appropriate Cluster meeting which involves in-depth discussions of CAPs and case facts, and at which Board Deputies, departments, County Counsel, and CEO attend.
- The purpose of these meetings is to brief the Board Deputies on all relevant information so they can brief their Supervisors before final Board approval is sought for a case.

BOARD OF SUPERVISORS

When does my CAP go to the Board of Supervisors?

- For claims with settlement amounts greater than \$100,000, the Claims Board refers such settlements, with a recommendation, to the Board of Supervisors for final action. At that time the BOS will then approve or deny the final settlement and CAP.



Mark Ridley-Thomas Hilda L. Solis Michael D. Antonovich Sheila Kuehl Don Knabe

COUNTYWIDE APPLICABILITY

Applicability Notices and what they can be used for.



- As part of best practices to prevent similar losses from occurring in the same department, or in a different department with similar exposures, RMIG both publishes and presents Applicability Notices on a quarterly basis. The Applicability Notices are summary level documents that describe the incident, the root cause analysis of why it occurred, and the CAP steps for correcting the root cause(s) and preventing a repeat incident. Presentations are held at the Risk Management Coordinators quarterly meetings and notices are published on the CEO/RMB website.

Case Study

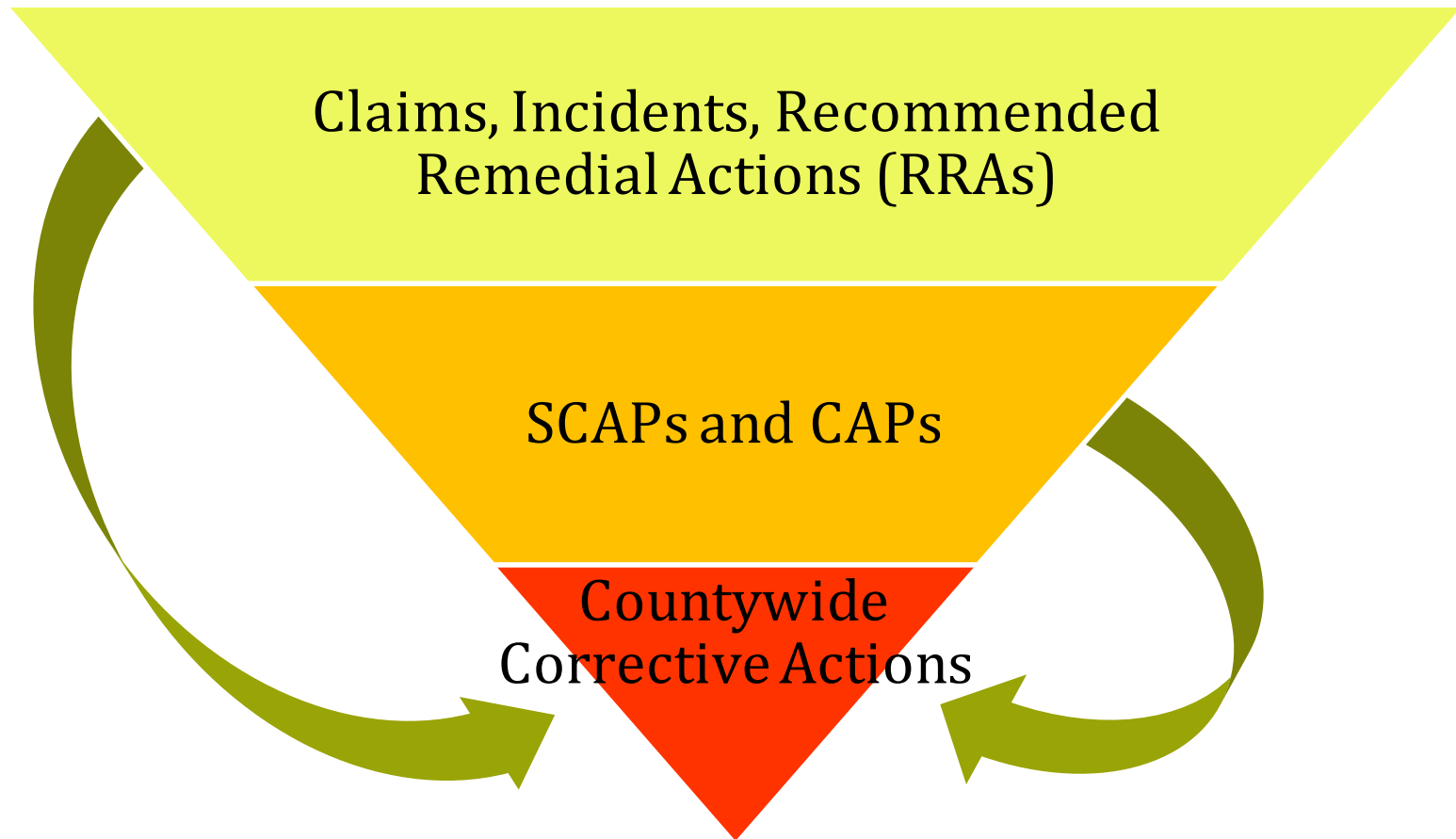
Employment Countywide CAP

- The development of Countywide CAPs involved collaboration between CEO/RMIG, County Counsel, Human Resources (DHR), Auditor-Controller, and CEO.
- Specifically, for the Fair Labor Standards Act claim, a mandatory training session was developed and implemented for all County supervisors and managers.

Countywide CAPS

- In response to the settlement of two claims with far-reaching impact in the areas of employment practices and the Fair Labor Standards Act, the Board of Supervisors asked CEO to develop a Countywide CAP process.
- Under the direction of the Board of Supervisors, and in concert with DHR and County Counsel, CEO/RMB created the first Countywide Corrective Action Plan documents. An extension of department-specific Corrective Action Plans, the Countywide Corrective Action Plans address claims and exposures with Countywide impact, and provide specific guidance to all departments on identifying and preventing similar claims and exposures in their respective units.

Countywide Corrective Actions



CONSULTATION

Yes, we make house calls to help with all your SCAP/CAP needs!

- If you need help just give us a call and we can walk you through the entire process. We have a training module we can put on for your unit, and we can also assist with drafting and review of individual CAPs.



Resources

Risk Management Inspector General

RMIG@ceo.lacounty.gov

<http://riskmanagement.mylacounty.info/rmig.asp>

(213) 738-2194

CEO Risk Management Branch Intranet Site:

<http://riskmanagement.mylacounty.info>

Loss Control and Prevention

http://riskmanagement.mylacounty.info/lcp_resource.asp

QUESTIONS?

Thank you for your support!

