

# GUIDE TO ROOT CAUSE ANALYSIS PROCESS (RCAP)



## WHAT IS A RCAP?

A RCAP provides a means to identify the origin/root cause of a problem or events using a specific set of steps, with associated tools, to find the primary cause of the problem so that you can:

- Determine what happened.
- Determine why it happened.
- Figure out what to do to reduce the likelihood that it will happen again.

A RCAP is a very important tool as it can be used to manage risks and improve a business by identifying ways to fix underlying issues that allow failures to occur.

Root cause analysis is vital as effective management requires more than merely 'putting out fires for problems' but also finding a way to prevent them.

## WHY IS A RCAP NEEDED?

- Many firms do not have an effective process in place for establishing the root cause of all issues arising, e.g. claims, complaints and breaches.
- Many firms identify primary causes of a claim but then fail to drill down to find the root cause so steps can be taken to avoid the issue occurring again.
- Claims can arise for many reasons: lack of fee earner knowledge, heavy workloads, lack of expertise, poor supervision, lack of process or poor processes.
- Following a RCAP will help you to identify the root cause so changes/improvements can be made.
- The benefits of an effective RCAP include fewer claims/complaints, less fee earner/management time spent dealing with such matters, increased fee earning time, reduced risk of poor morale arising from complaints/claims, a better claims/complaints experience including reduced financial exposure.

## RCAP – 5 WHYS

There are a number of RCAP models available, but it is key to use a tool that is simple and easy to use so as to keep staff engaged without compromising efficiency.

We recommend the 5 Whys method which lends itself well to law firm practice.

### What is the 5 Whys Method

- It was invented by Sakichi Toyoda, founder of the Toyota Industry in the 1930's and is still used at Toyota today.
- The 5 Whys technique is a brainstorm technique that identifies the root causes of errors/breaches by asking why events occurred or why conditions existed.
- When a problem occurs, you need to drill down to its root cause by asking 'Why' 5 times.
- Start with the problem and keep on asking 'Why' until you get to the root cause/bottom of the problem.
- In some situations you may have to ask 'Why' more or less than five times.
- For each answer to the question 'Why', deploy a countermeasure.
- It can be used in troubleshooting, problem-solving and quality-improvement initiatives.



## ADVANTAGES OF USING THE 5 WHYS METHOD

The 5 Whys Method for root cause analysis has several advantages including the following:

- It's simple and easy to use.
- It allows you to identify the cause of your problem, not just its symptoms.
- It helps you avoid taking immediate action without considering whether you've identified the real root cause of the problem.
- It helps you build a culture that embraces continuous improvement.
- It can also be used in problem solving and quality improvement initiatives.

### Example of the 5 Whys Technique

[As per the current Lockton example graphic]

### A 5 Whys worked example for a Clinical Negligence Claim

[As per the current Lockton example graphic]



## SUGGESTED PROCESS

This is our recommendation of how 5 Whys could be implemented in your firm:

- 5 Whys technique should be applied to all claims, complaints and breaches reported.
- A process to be put in place which specifies the steps that need to be taken if a fee earner reports one of the above issues.
- The initial issue should be investigated by the supervisor of the relevant fee earner, including a review of the relevant file and discussion with fee earner and any other staff involved in the matter.
- Forms should be designed to be completed for claims, complaints and breaches with each form essentially asking questions to establish:
  - i. what has happened.
  - ii. how it has happened and how the firm was made aware.
  - iii. who is responsible.
  - iv. the value of matter.
  - v. any steps taken to rectify the issue.
  - vi. whether the client is aware of the issue.
- The form should be signed by the supervisor and fee earner in question and then dated.
- The form should then be sent to Risk & Compliance to consider what has happened and why, and to apply the 5 Whys technique.
- The bottom section of the form should be completed confirming risk management steps to be taken to prevent issue occurring again.
- Risk & Compliance should update the COLP and, if necessary, any other staff responsible for compliance.
- Risk & Compliance should allocate actions to be taken within a specified timeframe and to be responsible for ensuring the action is taken and implemented within the timeframe.