# SPEAK UP

The Speak Up resource complements the RACS Operating with Respect course.

It helps surgeons prepare to speak up when unacceptable behaviour occurs, by providing tools to conduct a Cup of Coffee Conversation.

# PREPARING FOR A CUP OF COFFEE CONVERSATION

## What is a Cup of Coffee Conversation (CCC)?

The CCC is adapted from the Vanderbilt approach to addressing unacceptable behaviour amongst healthcare workers.

The purpose of a CCC is to raise awareness and prompt reflection of the behaviour and reinforce expectations. It is an informal (i.e. 'low level') response or intervention and is intended to be a respectful conversation between two colleagues. A CCC is effective when conducted early and assists in preventing the behaviour from escalating.

Evidence suggests a properly conducted CCC will have the desired effect in >75 percent of cases, even if this is not immediately apparent at the time of the conversation.

## 10 principles of an effective CCC

An effective CCC is akin to having a friendly chat out of concern for a colleague. You can achieve an effective CCC by applying 10 keys principles (Select each principle below to learn more).

- 1. Plan, prepare, rehearse
- Seek advice confidentially
- Consider the environment (neutral/confidential)
- Be familiar with the specifics of the behaviour to be discussed
- Rehearse what information you will raise and how you will do this; practice 'scripts'
- 2. Know your role and purpose
- Remember, it's a respectful conversation between two colleagues who are equal (not head to subordinate, not formal, not punitive)
- Keep in mind the two fundamental purposes; to raise awareness and prompt reflection
- It is not an opportunity to address multiple issues
- 3. Focus on specific behaviour and what is expected behaviour
- It's not about the person or their character; it's about the behaviour
- Use clear, concise, unambiguous and respectful language
- You may need to describe the expected standard of behaviour
- 4. Stay on message and be unambiguous
- Don't be derailed, keep coming back to your message, which is to raise awareness and prompt reflection
- Avoid hinting and hoping, be specific
- 5. Anticipate 'pushback' and plan accordingly
- Expect and recognize 'pushback' in its different forms; acknowledge their position (empathy) but stay on message
- Remain calm and responsive
- Keep raising awareness and encourage reflection

- 6. Balance empathy and objectivity
- You should acknowledge their position (empathy) but stay on message and avoid 'siding' with a view contrary to your initial concerns
- Be responsive, not reactive or accusative
- Be aware of your own biases and assumptions
- 7. Be non-judgmental and respectful
- Do not prejudge the intent of the behaviour or the character of your colleague
- Avoid accusations, finding fault, blaming or judging who is right or wrong
- 8. It's not about winning an argument or solving a problem
- Remember the purpose is to raise awareness and prompt reflection
- Don't expect immediate insight or change
- Don't expect to solve the issue
- Avoid getting into an argument
- Remain responsive, not reactive
- 9. Encourage reflection and a welcome response
- The aim is to prompt reflection
- Immediate insight is unlikely

10. Don't leave with 'homework'

- Be aware of taking on tasks to help resolve the issue
- It's your colleague's responsibility to address the issue
- Offer advice to seek

# Steps to conduct an effective CCC

Use a four-step approach to conduct a CCC while applying the 10 principles of an effective CCC.

## Step 1: Describe the behaviour

- What you experienced, observed or were told
- Describe the specifics of the behaviour, avoid characterizing or judging the person
- Open up the conversation in a respectful way: "Thanks for your time. As mentioned, I wanted to discuss something important with you..."
- Describe the specifics of the situation, or how they were presented to you.
- Use phrases such as "I noticed..." and "To me...", rather than "You..."

## Step 2: State your concerns

- Explain why the behaviour has been perceived as unacceptable
- If required, describe the standard of behaviour that is expected "My concern is that it is highly disruptive to the unit"
- After stating your concern, explain why the issue is worthy of a conversation
- What part of the interaction are you specifically flagging. The person may not realise this immediately, so spell it out.
- Consider, why is this unacceptable or why has it been perceived as unacceptable

## Step 3: Invite a response

- Give this time and be prepared to listen
- You may receive an acknowledgement or 'push back'
- You may identify the extent of insight and any antecedent factors
- Recognise 'push back'
- Avoid an argument
- Remain non-judgemental "So, tell me, how did you see it at the time...what is your take on this?"
- This is when the conversation really starts
- Allow the person to respond and actively listen
- Receiving this sort of feedback can catch people off guard and leave them quite surprised and responding defensively
- More than likely they may display one or more pushbacks
- Consider how you will remain responsive (be aware of your own emotions and avoid a limbic reaction), respectful, non-judgemental, non-argumentative, objective and empathic and stay on message

#### Step 4: Conclude

- Avoid an argument
- Don't expect an epiphany
- Don't leave with homework
- Plan an exit strategy

"Well, I'm glad I was able to have this chat with you, I know you would have wanted to know about this"

"I appreciate you taking the time to listen to me today"

"I really value the way you care for your patients"

"I felt you would have wanted to know about this...I'm sure you'll give this some thought"

- Like any other challenging discussion, concluding these conversations can be difficult, particularly if the recipient has engaged in 'pushback'
- Don't get drawn into an argument about the details of the incident, as your goals are to raise awareness and prompt reflection. This will probably occur regardless of how they respond to your message

## Overall

Your message must...

- raise awareness
- encourage reflection
- reinforce expected standards of behaviour

## Managing pushback

Some of your colleagues may not be readily receptive to a conversation about respectful behaviour.

Be aware of attempts to take control of or derail the conversation. 'Pushback' may come in various forms.

#### Avoidance

Overtly seeks to avoid having a discussion or to prevent a key issue being raised; a form of passive-aggressiveness

Suggested scripts: "I appreciate we're all busy, but it's important to..."

"I just wanted to raise a concern about patient safety..."

"I just wanted to raise a concern about your team..."

#### Apologetic

Attempts to appease by offering what you wish to hear, tried to 'fob' you off to avoid further discussion; may not be genuine and may have previously apologised for similar behaviour; a form of passive-aggressiveness

Suggested scripts: "I'm glad that you feel that way, as I said, people felt your behaviour was..."

"I guess it's important to think why people felt..."

## <u>Denial</u>

Often reflexive and directly challenges the concern; difficult to argue against without absolute proof, however, providing something happened is not the purpose of a CCC

Suggested scripts: "Nonetheless, this is the perception"

"I'm not in the position to know whether it happened or not but it's worthwhile considering why people felt that way..."

"Regardless of what happened, the perception was..."

#### **Justification**

A sound or noble cause is used to justify behaviour while ignoring the fact that there is no circumstance to warrant unacceptable behaviour

#### Suggested scripts:

"Of course, patient safety is important. However, my concern is that the staff felt..." (concern/impact of behaviour)

"I appreciate that there are environmental/system factors, however..."

#### Passive-aggressive

Is characterised as deliberate passive resistance; stalling by false (veiled) appeasement; maybe sarcastic; may play the victim.

Ignore statement (if appropriate), stay on message. Correct obvious inaccuracies or misunderstandings and immediately refocus on raising awareness and prompting reflection.

Suggested scripts:

"To clarify, what I said was..."

"Essentially, the person was concerned about..."

"No one is saying..."

#### **Discounting**

Down-playing the issue is a common response; suggests there has been an overreaction; attempts to get the person "off the hook".

## Suggested scripts:

"That may be the case, but it's important to think why people felt otherwise..."

"That may be the case, but I felt ... "

"That may be the case, but what I saw was..."

## <u>Aggression</u>

Remember that the purpose of the conversation is to raise awareness and prompt reflection without getting derailed by the pushback.

An appropriate response to pushback is to show empathy for the pushback (if appropriate) and remain non-judgemental, objective and to follow up with reiterating your message

## SELF-RATING

This questionnaire is a reflective tool that allows you to rate how well you conducted a CCC

How well did I prepare for the CCC? (rating 1-5 stars) How well did I focus on behaviour, not the individual? (rating 1-5 stars) How well did I stay on message? (rating 1-5 stars) How well did I respond to 'pushback'? (rating 1-5 stars) How well did I balance empathy and objectivity? (rating 1-5 stars) How well did I invite a response? (rating 1-5 stars) How well did I remain 'responsive' and not 'reactive'? (rating 1-5 stars) How well did I follow the four-step approach? (rating 1-5 stars) How well did I avoid trying to solve the issue or win an argument? (rating 1-5 stars) How well did I raise awareness? (rating 1-5 stars) How well did I prompt reflection? (rating 1-5 stars) How well did I prompt reflection? (rating 1-5 stars)

Your final score is: X/60

# **MY SCRIPTS**

Example script:

I really appreciate your time to listen to what I have had to say

I felt you would have wanted to know about this...

I'm sure you'll give this some thought

# MORE INFROMATION AND EXTERNAL RESOURCES

Frequently Asked Questions

The following FAQs relate to conducting a Cup of Coffee Conversation (CCC).

- Do I really need to document that I have had a CCC with a colleague and why?
  - Whilst there is no legal imperative to make a diary note of an informal conversation, it is useful for the Fellow to have a record in writing (diary entry is fine) as is suggested in the slides
  - A diary note serves to protect the Fellow in two ways: it evidences you have acted on knowledge acquired and, thereby safeguards you against a possible claim of reverse bullying
  - If the Fellow is asked at a later stage why did he/she apparently do nothing, the Fellow can refer to the diary entry for confirmation of action taken. It is a protective mechanism for the Fellow if he/she wishes to use it.
- When is a CCC not appropriate and when should I escalate intervention beyond a CCC
  - It depends on the type of behaviour, the number and frequency of occasions
  - A pattern of repeated behaviour or recidivism, egregious or behaviour that warrants mandatory reporting will typically require management through formally defined processes
  - There are processes you need to follow, and they are usually organised based; hospital and RACS.
- What should I do if, after having had a CCC with a colleague, the colleague claims he/she felt bullied by the CCC (i.e. reverse bullying)?
  - Adequately preparing for a CCC and conducting the CCC in a respectful, nonjudgemental manner minimizes the perception that your behavior was unacceptable during a CCC.
  - o Reflect on why the person may have perceived the CCC as being bullied
  - $\circ~$  Documenting the CCC (what was discussed, how you communicated and where it was conducted) may also assist in demonstrating what was discussed
  - This may be an example of pushback
  - $\circ~$  A knowingly false claim of reverse bullying is vexatious.
- I need to have a CCC with a colleague, but the person keeps finding excuses not to meet. What should I do?
  - Make it clear to your colleague that the matter you wish to discuss is important and relates to an issue of professionalism and patient safety. Avoiding having a conversation to discuss issues of professionalism and patient safety is, in itself unacceptable behaviour
  - Indicate that you believe the issue for discussion is something they would want to know, and you would like to discuss the issue as a concerned colleague

- Invite them to contact you to orginise a suitable time to meet for a conversation
- Communicating the above points in an email to the person demonstrates that you have taken reasonable steps to engage the person in a conversation; it also documents your actions
- Repeated failure (e.g. 3 attempts to connect with a person) on the part of the person to have the conversation may be grounds for escalating your response to RACS.
- How does having a CCC fit with institutional policies and processes?
- A CCC is a low-level response to instances of unacceptable behaviour and to prevent it escalating to a more formal process
- Having an awareness of institutional processes is important as there may be times where a response needs to be escalated
- Many institutions have publicity supported the OWR program by signing a Memorandum of Understanding/Statement of intent with RACS
- You may contact RACS for more

References Operating with Respect | RACS

## Advice, complaints and support

Here are some things you can do when unacceptable behaviour occurs:

- o Support the person who has experienced the unacceptable behaviour
- Speak up directly (peer to peer)
- Escalate to your supervisor
- Speak to Human Resources
- o Escalate within the hospitable system if the behaviour is egregious

## Available resources

- Contact your hospital Employee Assistance Program (EAP)
- RACSTA, available to RACS Trainees
- o RACSTA complaints
- o <u>Converge International</u>; available to RACS Trainees, IMGs and Fellows
- Hospital or organisation-wide programs

## Definitions: DBSH-fact-sheet.pdf

#### About Speak Up

The RACS Speak Up app is designed as a resource for participants that have attended the RACS Operating with Respect course

The app aim to provide users with tools to successfully deliver a Cup of Coffee Conversation (CCC)

A CCC is a conversation you have with a colleague concerning what you or others believe is unacceptable behaviour. The purpose of a CCC is to raise awareness and prompt reflection of the behaviour in question

#### Feedback and Contact

#### Credits

Produced by the Royal Australasian College of Surgeons East Melbourne, VIC 3022

www.surgeons.org/owr

#### owr@surgeons.org

#### **References**

Pichert J, Moore I, Karrass J, Jay J, Westlake M, Catron T, et al. An Intervention Model That Promotes Accountability: Peer Messengers and Patient/Family Complaints. The Joint Commission Journal on Quality and Patient Safety. 2013;39(10):435-46.

Rudolph J, Simon R, Rivard P, Dufresne R, Raemer D. Debriefing with Good Judgement: Combining Rigorous Feedback with Genuine Inquiry. Anesthesiology Clinics. 2007;25(2):361-376.

Webb L, Dmochowski R, Moore I, Pichert J, Catron T, Troyer M, et al. Using Coworker Observations to Promote Accountability for Disrespectful and Unsafe Behaviors by Physicians and Advanced Practice

#### Legals

Speak Up App Terms and Conditions

1. Interpretation

App Store means the relevant applications store from which You downloaded or accessed the Speak Up App;

End User means You;

Speak Up App means the app developed by RACS and CMEE4 Productions as amended and updated from time to time;

RACS means the Royal Australasian College of Surgeons (ABN 29 004 167 766);

Terms and Conditions means the following terms as amended by RACS from time to time. They will form the Agreement between You and RACS;

You means the person, jointly and severally if more than one using the Speak Up App.

2. Acceptance of Terms and Conditions

Please read these Terms and Conditions carefully before using the Speak Up App operated by RACS.

These Terms and Conditions apply to the use of the Speak Up App, and your access to and use of the Speak Up App is conditioned on your acceptance of and compliance with these Terms and Conditions.

By downloading and using the Speak Up App, you agree to comply with and be bound by these Terms and Conditions. These Terms and Conditions constitute the whole agreement between RACS and the End User.

The Speak Up App is currently made available to you free of charge. RACS reserves the right to unilaterally amend or withdraw the Speak Up App, cease support or charge for the Speak Up App at any time and for any reason. You will not be charged for your use of the Speak Up App without your prior consent.

Unless You are advised otherwise, these Terms and Conditions will cover any updates and new releases of the Speak Up App that may be created by RACS. You acknowledge that the terms of agreement with your respective mobile network provider will continue to apply when using the Speak Up App. As a result, you may be charged by your mobile network provider to access to network connection services for the duration of the connection while accessing and using the Speak Up App. You accept responsibility for any charges of this nature that arise.

3. Whole Agreement and Amendment to Terms and Conditions

These Terms and Conditions constitute the whole agreement between RACS and the End User.

These Terms and Conditions may be unilaterally amended at any time by RACS without notice to You. Any amendment will be effective immediately upon being posted on the Speak Up App. RACS will endeavour to have the latest Terms and Conditions available to You through the App Store, however, it is your sole responsibility to periodically check these Terms and Conditions for any changes. If you do not agree with any of the changes to these Terms and Conditions, it is your sole responsibility to stop using the Speak Up App. You continued use of the Speak Up App after any amendment becomes effective will constitute your agreement to be bound by these Terms and Conditions, as amended.

4. Updates to the App

RACS may vary, modify or make updates to the Speak Up App as it sees fit in its sole discretion. Those updates may enhance, disable or remove features of the Speak Up App as determined by RACS.

5. License

RACS grants You, and You accept, a person, non-exclusive, non-transferable, limited and revocable licence to use the Speak Up App strictly in accordance with these Terms and Conditions. All other rights are reserved by RACS.

6. Restriction on use You must not:

- Sell, rent, lease, licence, sub-licence, lend, transfer, assign or distribute or otherwise make available the Speak Up App to any third party:
- Reserve engineer, decompile or disassemble the Speak Up App or otherwise attempt to derive source code from the Speak Up App;
- Reproduce, modify, enhance, translate, alter or create derivative works from, the Speak Up App;
- Remove any copyright, trademark, warning, logo or branding from the Speak Up App; or
- Do anything that would otherwise prejudice RACS's ownership, title or interest in the Speak Up App.

You agree that you will:

- Only use the Speak Up App for the purposes that are not illegal, derogatory or otherwise objectionable or which bring RACS or has the potential to bring RACS into disrepute; and/or
- Not infringe any third party's intellectual property rights or remove, obscure or alter any of our copyright notices, trademarks or other notices (including these Terms and Conditions) included in the Speak Up App
- 7. Intellectual Property

The Speak Up App is owned and operated by RACS.

You acknowledge that the Speak Up App is licensed to you and that no ownership rights in the Speak Up App are transferred to you upon downloading or using the app. All intellectual property rights, including adaptations and derivative works of the Speak Up App vest in RACS exclusively.

No part of the content from the Speak Up App may be copied, reproduced, modifield, republished, uploaded, posted, transmitted or distributed in any form or manner without RACS's prior written consent. However, you may download and print these Terms and Conditions for your personal non-commercial use.

All trade marks and trade names which appear on the Speak Up App are proprietary to RACS and/or its affiliates. Use of these trade marks without the owner's consent will infringe the owner's intellectual property rights. Nothing in the Speak Up App should be interpreted as granting any rights to use or distribute any names, logos or trade marks except with the express written consent of the respective owner.

8. Disclaimer

RACS does not warrant, guarantee or make any representation regarding the accuracy, adequacy, reliability, completeness or timeliness of the information available on the Speak Up App ("Information"). The Information is provided by RACS in good faith on an "as is" basis without warranty of any kind.

RACS does not warrant or represent that the Information is free from human or mechanical error, technical inaccuracies or other typographical errors or defects. The use of this Speak Up App and the Information is at your own risk.

RACS is not liable for the consequences of any interruptions or error in the Speak Up App.

All warranties, representations and statutory guarantees and any liability which may arise in relation to your access to or use of this Speak Up App will not cause damage or that the material is free from any responsibility to complete a virus check on any Information accessed or downloaded.

9. Privacy

By agreeing to these Terms and Conditions you agree your personal information may be disclosed to RACS. RACS will deal with your personal information in accordance with the RACS Privacy Policy and the Privacy Act 1988 (Cth) as amended from time to time. A copy of the RACS Privacy Policy can be found on the RACS website www.surgeons.org/policies-publications/policies/.

You agree that you are responsible for the personal information you choose to submit to the Speak Up App. When using the Speak Up App including creating a username, alias, profile receiving scores or results, participating in leader scores or results, participating in leader boards or making any other disclosure of personal information, you acknowledge that other users of the Speak Up App may view your personal information and that RACS may collect this personal information.

10. Passwords and Account Security

You are responsible for maintaining the confidentiality of your password when accessing the Speak Up App.

You are responsible for any and all activities on the Speak Up App which occurs under your login and password.

Unfortunately, no data transmission over the internet can be guaranteed as totally secure. Whilst we strive to protect such information, we do not warrant and cannot ensure the security of any information which you transmit to us. Accordingly, any information which you transmit to us is transmitted at your own risk.

11. Limitation on Liability

RACS shall not be liable for any loss, injury, claim, or damage of any kind resulting in any way from you using the Speak Up App, the contents of the Speak Up App, the Information or any changes made to the Speak Up App except to the extent of any legislative obligations imposed on RACS under Australian Law.

Under no circumstances will RACS be liable for any direct, indirect, incidental, special or consequential loss or damage, including loss of programs or data, loss of business, business interruption, or lost profits.

Where liability cannot be excluded, any liability incurred by RACS is limited to the resupply of the Information on the Speak Up App or the reasonable costs of having the Information resupplied.

## 12. Indemnity

Subject to these Terms and Conditions, you shall at all times indemnify and hold harmless RACS, its officers, employees and agents (in this clause referred to as those indemnified) from and against any loss (including legal costs and expenses on a solicitor/own client basis), or liability, reasonably incurred or suffered by any of those indemnified arising from any claim, suit, demand, action or proceeding by any person, including third parties, against any of those indemnified where such loss or liability was caused by any wilful, unlawful or negligent act or omission on your part in connection with the Speak Up App, including but not limited to misuse of the Speak Up App and use for purposes for which it was not intended.

13. Termination

These Terms and Conditions are effective until terminated in accordance with this clause. For the avoidance of doubt, RACS may suspend or terminate this Agreement immediately at any time and without liability to You.

Upon or at any time after termination of this Agreement you must destroy all copies of the Speak Up App if required by RACS. All rights and licences granted to you will immediately terminate and You must cease all use of the Speak Up App.

If You wish to terminate this Agreement You may simple discontinue using the Speak Up App.

Those clauses of these Terms and Conditions that are capable of surviving termination shall do so, and termination will not affect any rights or remedies which may exist under these Terms and Conditions or at law.

RACS shall not be liable to you or any third party for any claims or damages arising out of any termination or suspension or any other actions taken by us in connection therewith.

14. Links to Third Party Websites

You may be able, through hypertext or other links, to gain access to websites which are not owned or operated by RACS ("Linked Sites") from time to time. Unless otherwise specified, the Linked Sites are not under RACS control.

The Linked Sites may have different terms and conditions and privacy requirements. We strongly advise you to read the terms and conditions and privacy policies of any Linked Sites that you visit. RACS is not responsible for the content or practices of any Linked Sites, or any changes or updates to such sites.

You acknowledge and agree that RACS shall not be responsible or liable, directly or alleged to be caused by or in connection with use of reliance on any content, goods or services available on or through any Linked Site.

RACS provides these links for your convenience only. Unless specified, RACS does not sponsor, endorse, adopt, confirm, guarantee or approve of any material or representations made in those Linked Sites.

15. Severability

Each part of these Terms and Conditions shall, unless the context otherwise necessarily requires it, be read and construed as a separate and severable provision. If any part thereof is void or otherwise unenforceable for any reason then that part shall be severed and the remainder shall be read and construed as if severable part had never existed.

# 16. Governing Law

These Terms and Conditions and your use of the Speak Up App shall be governed by and construed in accordance with the laws of the State of Victoria and the parties agree that the Courts of Victoria and the parties agree that the Courts of that State will have exclusive jurisdiction over any actions or disputes in respect of, or arising out of, these Terms and Conditions or your use of the Speak Up App. In the event that you are located outside of Australia, you agree to comply with any laws, rules or regulations in your locality regarding use of the Speak Up App.

# 17. Force Majeure

In this clause, force majeure means an event, or a series of related events, or circumstance that is outside the reasonable control of RACS, including without limitation, acts of God, natural disasters, explosions, fires, floods, riots, terrorist attacks and war.

# 18. Contact

owr@surgeons.org