



### Monash Surgical Private Hospital

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#### AIM

To engage in open discussion with the patient, and their family and carer(s) about adverse events that result in harm to the patient while receiving health care at MSPH.

MSPH meets accreditation requirements and maintains an Open Disclosure policy consistent with the national Open Disclosure Framework (the Framework).

#### OUTCOME

MSPH has a clear and consistent approach to open communication and disclosure with patients, their families and carers following an adverse event with a view to fairness, open discussion, accountability and transparency.

This policy will set out when and how Open Disclosure should occur.

An Open Disclosure program is in place and is consistent with the Framework, and the clinical workforce are trained in Open Disclosure processes.

#### PROCEDURE

Open Disclosure will be mandatory for an Adverse Event and should commence as soon as practicable. The Director of Nursing will activate and oversee the Open Disclosure process.

The Open Disclosure flow chart sets out the process that will be adopted by MSPH. This chart incorporates low level and high level responses.

The elements of Open Disclosure are:

- An expression of regret
- A factual explanation of what happened
- The potential consequences
- The steps being taken to manage the event and prevention of recurrence

MSPH strives to maintain professional accountability, and foster an environment where people feel supported and are encouraged to identify and report Adverse Events so that opportunities for systems improvements can be identified and acted on.

There are eight main principles that have been adopted from the Framework that will govern the Open Disclosure process including:

#### 1. Open and timely communication

If care does not go to plan, the patient is provided with information about what happened in a timely, open and honest manner. The open disclosure process is fluid and may involve the provision of ongoing information.

#### 2. Acknowledgement

Adverse events are acknowledged to the patient as soon as practicable and open disclosure is initiated as per the Open Disclosure Flow Chart.



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#### **3. Apology or expression of regret**

As early as possible, the patient will receive an apology or expression of regret for any harm that has resulted from an adverse event. An expression of regret should not contain speculative statements, admission of liability or apportioning of the blame.

#### **4. Supporting, and meeting the needs and expectations of patients, their family and carer(s)**

The patient can expect to be:

- Fully informed of the facts surrounding an adverse event and its consequences.
- Treated with empathy, respect and consideration.
- Supported in a manner appropriate to their needs.

#### **5. Supporting, and meeting the needs and expectations of those providing health care:**

MSPH creates an environment in which all staff are:

- Encouraged and able to recognise and report adverse events.
- Prepared through training and education to participate in open disclosure.
- Supported through the open disclosure process.

#### **6. Integrated clinical risk management and systems improvement**

Adverse events will be reviewed and managed via the Incident Reporting process to prevent recurrence, enable lessons to be learned and the quality of care to be improved.

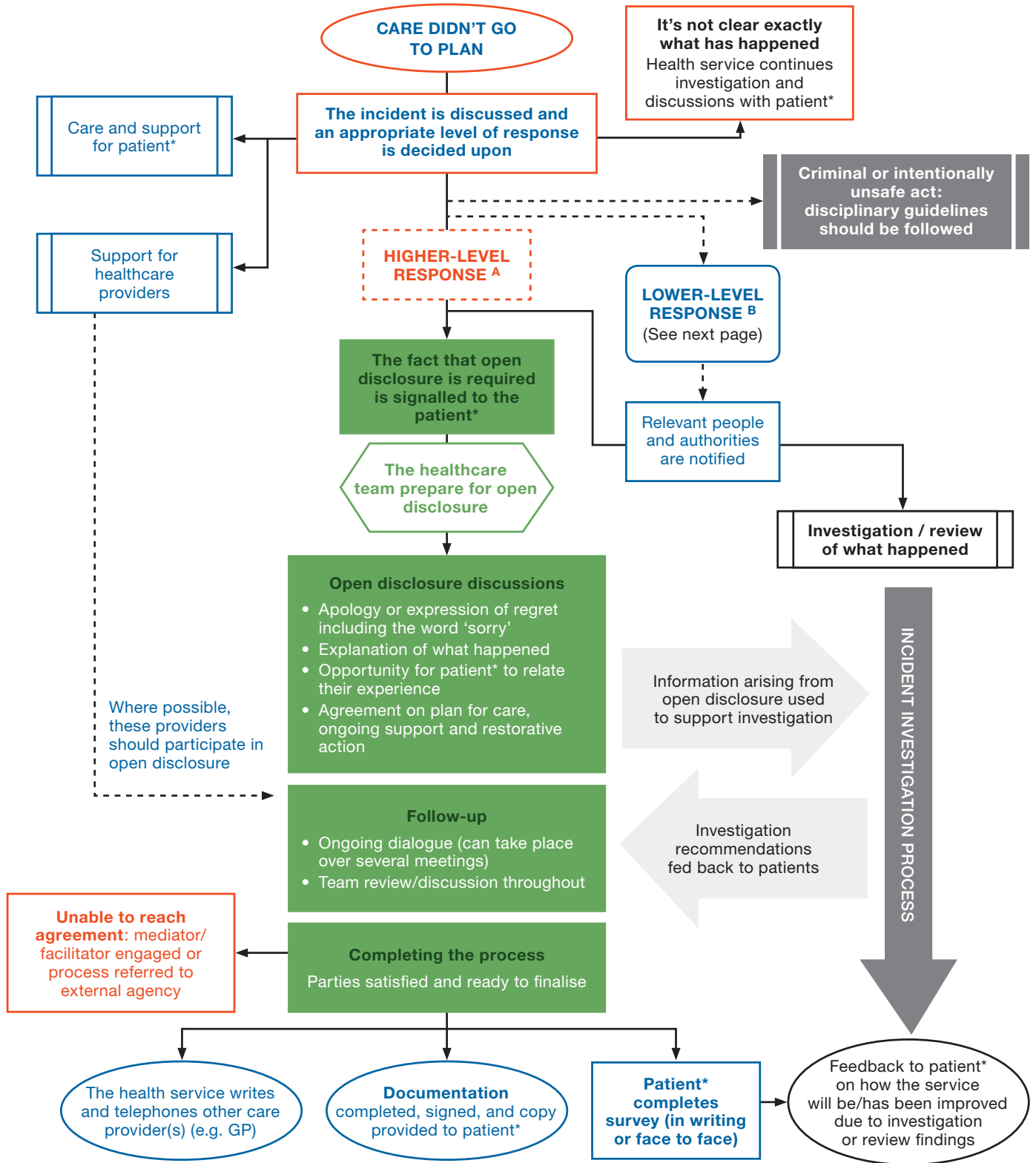
#### **7. Good governance**

Appropriate governance and accountability is maintained by internal performance monitoring and feedback, review of adverse events and any open disclosure processes that are initiated at the Board, Medical Advisory Committee and Leadership meetings.

#### **8. Confidentiality**

Full consideration is given to patient and clinician privacy and confidentiality in compliance with relevant state and federal law.

## Open disclosure flow chart for healthcare consumers



\*The term **patient** includes the patient's support persons such as family members, carers, friends etc.

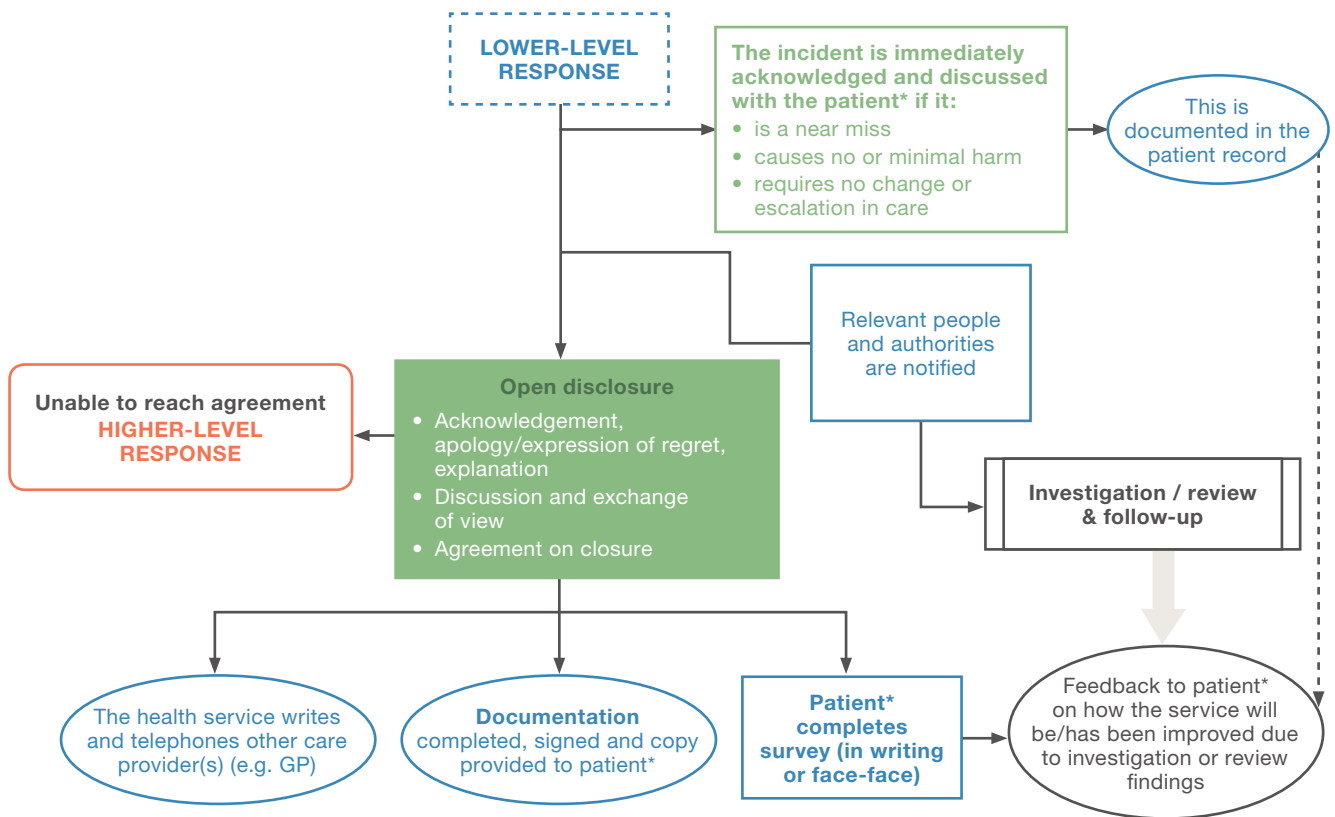
**A General indications – higher-level response:**

1. Death or major permanent loss of function
2. Permanent or considerable lessening of body function
3. Significant escalation of care / change in clinical management
4. Major psychological or emotional distress
5. At the request of the patient

**B General indications – lower-level response:**

1. Near miss / no-harm incident
2. No permanent injury
3. No increased level of care required
4. No, or minor, psychological or emotional distress

# Open disclosure lower-level response flow chart for healthcare consumers



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# Preparing and participating in open disclosure discussions

**INFORMATION**  
for consumers  
and carers

## What is open disclosure?

Every day thousands of people receive health care. Sometimes things go wrong which cause unintentional harm to you or someone you care for. In health care, this is known as an **incident**. Your healthcare provider (such as a doctor or nurse) should talk with you about it as soon as possible.

**Open disclosure** is the discussion with you, your healthcare provider and the people you may choose to support you (such as your family, carer or friend) about an incident that caused harm whilst receiving health care.

Open disclosure includes:

- Apologising to you for what went wrong
- Explaining the known facts
- Listening to your experience
- Explaining how it may affect you and your care
- Explaining the steps being taken to prevent it happening again.

Open disclosure can take place over one or more discussions.



## Open disclosure and your healthcare rights

The [Australian Charter of Healthcare Rights](#) explains your rights during open disclosure.

This includes the right to:

- Be told what went wrong with your health care, how it happened, how it may affect you and what is being done to make your care safe
- Share your experience and participate to improve the quality of care and health services
- Ask questions and be involved in open and honest communication
- Provide feedback or make a complaint without it affecting the way you are treated.



## What support can you access?

You have the **right** to access the support you need during open disclosure. This may include:

- Translators
- Interpreters
- Indigenous Liaison Officers
- Counsellors
- Trained patient support people such as consumer representatives, peer workers, social workers or advocates
- Payment of out-of-pocket expenses for things such as transport, meals, or parking.

**Translation and Interpreter Services are available 24 hours 7 days: Phone 131 450.**

## What can you expect from the open disclosure process?

The open disclosure process is outlined below. The order and steps may vary depending on the severity of harm you experience, your circumstances and needs.

### An incident happens

Your healthcare provider should:

- Tell you as soon as possible
- Provide you with safe care
- Apologise to you for what went wrong
- Explain the known facts
- Explain how it will affect you and your care.

[In agreement with you, and depending on the severity of harm (i.e. a minor incident) the process may end here.]

### Start an open disclosure process

Your healthcare provider should:

- Explain the open disclosure process
- Explain your healthcare rights
- Provide you with a contact person you are comfortable with
- Organise discussions as soon as possible, and agree on the time, place and who attends.

### Open disclosure discussions

Your healthcare provider should:

- Apologise to you for what went wrong
- Explain the known facts
- Listen to your experience
- Explain how what went wrong may affect you and your care
- Explain how they are investigating what went wrong
- Explain the steps they are taking to prevent it from happening again
- Agree on a plan of ongoing care
- Agree on an open disclosure plan and what you would like to achieve from future discussions.

### Follow up discussions

Your healthcare provider should:

- Provide updates on any further investigations
- Provide feedback on health care improvements made.

### Complete the open disclosure process

Your healthcare provider should:

- Ask if your needs were met
- Provide you with documentation about your discussions, the opportunity to provide feedback and your follow-up options
- Let you know that if your needs were not met you can make a complaint.



#### Throughout the process you can expect to:

Have open and  
honest communication

Be treated with empathy,  
respect and consideration

Be heard

Have the support  
you need

Have your questions  
answered



## How can you prepare for open disclosure discussions?

It may be helpful to write down:

- Your timeline of events
- Your questions and concerns in relation to:
  - what went wrong
  - how it happened
  - how it may affect you and your care
- Anything else you would like to talk about during the open disclosure discussion.

Some other things to think about are:

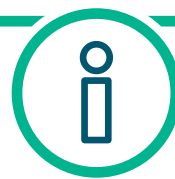
- Who you would like with you for support during the discussions
- How the health service can help meet your needs
- If you would like to have a second opinion about your health care.



## What if the open disclosure process does not meet your needs?

The complaints process is a **separate process** to open disclosure. If the open disclosure process does not meet your needs you can:

- Discuss your concerns with your healthcare provider or health service senior management such as the Practice Manager or Service Manager
- Make a complaint through the health service feedback and complaints system. Some health services will have a complaints officer you can talk to
- Contact your state or territory health care complaints agency or health department if you feel unable to talk to your health service, or if you are not satisfied with their response
- Talk to a lawyer about the harm you experienced.



## How can you learn more about open disclosure?

If you would like to know more about open disclosure, the following resources may be helpful:

- Open disclosure of things that don't go to plan, a booklet for patients beginning the open disclosure process:  
[www.safetyandquality.gov.au/OD-booklet](http://www.safetyandquality.gov.au/OD-booklet)
- Australian Open Disclosure Framework:  
[www.safetyandquality.gov.au/AODF](http://www.safetyandquality.gov.au/AODF)

## Questions?



Scan this QR code to access open disclosure frequently asked questions (FAQs). For more information please visit: [www.safetyandquality.gov.au/open-disclosure](http://www.safetyandquality.gov.au/open-disclosure)

### Add your health service contact details here:

Name:

Position:

Phone:

Other support phone:

# Open disclosure – what to expect if you experience harm during health care?



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## You can start the open disclosure process

If you think you have been harmed, you can talk with your healthcare provider or the health service manager. Some health services have a patient representative or advocate you can talk to.

### Some things you can say to start the process are:

- *I feel that something has gone wrong with my care and I was harmed. Is there someone I can talk to about it?*
- *I wasn't expecting this to happen. I would like to talk to someone about my concerns.*
- *Can I have more information about your open disclosure process and who to contact?*

### How can you make a complaint?

The complaints process is a **separate process** to open disclosure. If the open disclosure process does not meet your needs, you can make a complaint through the health service feedback and complaints system.



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