

Open Disclosure Statement

Procedure

New Age Dental aligns itself with National Open Disclosure standards and replicates these within our organisation. Open Disclosure is discussing incidents that have occurred affecting client safety with staff and clients.

Open Disclosure is described within the Australian Open Disclosure Framework as:

An open discussion with a client about an incident(s) that resulted in harm to that client while they were receiving health care. The elements of open disclosure are an apology or expression of regret (including the word 'sorry'), a factual explanation of what happened, an opportunity for the client to relate their experience, and an explanation of the steps being taken to manage the event and prevent recurrence.

We encourage all our clinical team members to adopt open disclosure standards through supporting them through training in open disclosure and encouraging reporting of incidents which effect client safety. We also ensure all clinical staff have access to open disclosure frameworks at the point of care in electronic and hardcopy.

All staff have access to reporting client events that may or may not be detrimental to the client, through our quality management system which are reviewed, investigated by trained staff incorporating staff involved in the incident and outcomes discussed with staff at meetings and the client. We are committed to quality improvement and change management when needed including change to policy, procedure or protocols which are reviewed when implemented.

We follow the Open Disclosure for Victorian Health Services guide in dealing with open disclosure events:

Underlying assumptions:

The following general principles are predicated on an assumption that health services will develop and implement an open disclosure process that is:

1. consistent with the existing clinical governance framework and quality and safety policies
1. and procedures
2. supported by senior health professionals using the process
3. consistent with Commonwealth and Victorian regulatory regimes
4. consistent with insurer requirements
5. consistent with the employment and other contractual obligations of New Age Dental.

Coordination:

New Age Dental will appoint a person with the responsibility for implementing the Open Disclosure Process who does not have direct involvement in the process.

- Ensure the event remains private and confidential
- Shall not be subject to any deformation.
- A factual explanation of what occurred should be presented
- Client, carer and family afforded the opportunity to communicate their experience
- Record the event within the healthcare record of the client
- Support for the clinician/s involved will be organised

- If the disclosure is false, then any protection may not apply.

Manager

The Practice Manager should take manage the situation (unless the disclosure is on their behalf).

- Review the need for addition support for the client (medical and/or psychological)
- Follow the Open Disclosure Process and documentation of incident reporting
- In case of serious event/incident, the national sentinel event definition and action should be followed ensuring documentation in appropriate places (healthcare record, incident register) and notify Executive Committee

Executive Committee

- Understand their roles and responsibilities in Open Disclosure
- Utilise the Independent Broad-Based Anti-Corruption Commission (IBAC) for assistance
- Ensure event remains private and confidential
- Assign external or independent consultant to investigate the incident, if needed
- Ensure support for the individuals involved in the incident
- Ensure notification of outcome to all involved

External Reviewer

- Must have clinical experience and knowledge in the area of the incident
 - Submit a report to the Executive Committee within agreed time frames
 - Remain independent at all times
 - Ensure privacy and confidentiality at all times
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- Arrange for a courier to deliver the records to the court (not to the requesting solicitor)
 - if the solicitor who served the subpoena does not provide the courier, our BNC is entitled to charge for the courier service
 - Discuss courier arrangements with the solicitor who has served the subpoena, and
 - Wait for the court to return the records in due course.

Should an impairment certificate be served, the Victorian insurance authority and our practice's medical defence organisation will be notified and forwarded a copy of the impairment certificate.

Members of the public may make a notification to Australian Health Practitioner Regulation Agency (AHPRA) about the conduct, health or performance of a practitioner or the health of a student. Practitioners, employers and education providers are all mandated by law to report notifiable conduct relating to a registered practitioner or student to AHPRA.

As Per Policy:

The Framework has eight guiding principles which New Age Dental follows:

1. Open and timely communication

If things go wrong, the client, their family and carers are provided with information about what happened in a timely, open and honest manner. The open disclosure process is fluid and will often involve the provision of ongoing information.

2. Acknowledgement

All adverse events are acknowledged to the client, their family and carers as soon as practicable. Health service organisations should acknowledge when an adverse event has occurred and initiate open disclosure.

3. Apology or expression of regret

As early as possible, the client, their family and carers should receive an apology or expression of regret for any harm that resulted from an adverse event. An apology or expression of regret should include the words 'I am sorry' or 'we are sorry', but must not contain speculative statements, admission of liability or apportioning of blame (see Section 1.5).

4. Supporting, and meeting the needs and expectations of clients, their family and carers

The client, their family and carers 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. Organisational preparedness supporting, and meeting the needs and expectations of those providing health care

Health service organisations should create 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

Thorough clinical review and investigation of adverse events and adverse outcomes should be conducted through processes that focus on the management of clinical risk and quality improvement. Findings of these reviews should focus on improving systems of care and be reviewed for their effectiveness. The information obtained about incidents from the open disclosure process should be incorporated into quality improvement activity.

7. Good governance

Open disclosure requires good governance frameworks, and clinical risk and quality improvement processes. Through these systems, adverse events should be investigated and analysed to prevent them recurring. Good governance involves a system of accountability through a health service organisation's senior management, executive or governing body to ensure that appropriate changes are implemented and their effectiveness is reviewed. Good governance should include internal performance monitoring and reporting.

8. Confidentiality

Policies and procedures should be developed by health service organisations with full consideration for client and clinician privacy and confidentiality, in compliance with relevant law (including Commonwealth, state and territory privacy and health records legislation). However, this principle needs to be considered in the context of Principle 1: Open and timely communication.

(Australian Commission on Safety and Quality in Health Care (2013), Australian Open Disclosure Framework. ACSQHC, Sydney)

Training in open disclosure processes.

New Age Dental ensures all staff are aware of open disclosure frameworks through our orientation/induction process of all new staff and returning staff. Open Disclosure is a mandatory training element within our practice which is completed on a yearly basis.

All staff training is recorded within the training register of the quality management system ensuring all staff and trainers are notified when staff are due specific mandatory and work place training.

Staff with the responsibility to review incidents where client safety has been affected are trained to encourage the best possible staff and client outcome.

We follow the Australian Open Disclosure Framework process for reviewing an adverse event below:

1. *Detecting and assessing incidents*

- Detect adverse event through a variety of mechanisms
- Provide prompt clinical care to the client to prevent further harm
- Assess the incident for severity of harm and level of response
- Provide support for staff
- Initiate a response, ranging from lower to higher levels
- Notify relevant personnel and authorities
- Ensure privacy and confidentiality of clients and clinicians are observed

2. *Signalling the need for open disclosure*

- Acknowledge the adverse event to the client, their family and carers including an apology or expression of regret
- A lower-level response can conclude at this stage
- Signal the need for open disclosure
- Negotiate with the client, their family and carers or nominated contact person
 - the formality of open disclosure required
 - the time and place for open disclosure
 - who should be there during open disclosure
- Provide written confirmation
- Provide a health service contact for the client, their family and carers
- Avoid speculation and blame
- Maintain good verbal and written communication throughout the open disclosure process

3. *Preparing for open disclosure*

- Hold a multidisciplinary team discussion to prepare for open disclosure
- Consider who will participate in open disclosure
- Appoint an individual to lead the open disclosure based on previous discussion with the client, their family and carers
- Gather all the necessary information
- Identify the health service contact for the client, their family and carers (if this is not done already)

4. *Engaging in open disclosure discussions*

- Provide the client, their family and carers with the names and roles of all attendees
- Provide a sincere and unprompted apology or expression of regret including the words 'I am

sorry' or 'we are sorry'

- Clearly explain the incident
- Give the client, their family and carers the opportunity to tell their story, exchange views and observations about the incident and ask questions
- Encourage the client, their family and carers to describe the personal effects of the adverse event
- Agree on, record and sign an open disclosure plan
- Assure the client, their family and carers that they will be informed of further investigation findings and recommendations for system improvement
- Offer practical and emotional support to the client, their family and carers
- Support staff members throughout the process
- If the adverse event took place in another health service organisation, include relevant staff if possible.
- If necessary, hold several meetings or discussions to achieve these aims

5. Providing follow-up

- Ensure follow-up by senior clinicians or management, where appropriate
- Agree on future care
- Share the findings of investigations and the resulting changes
- Offer the client, their family and carers the opportunity to discuss the process with another clinician (e.g. a general practitioner or dentist)

6. Completing the process

- Reach an agreement between the client, their family and carers and the clinician, or provide an alternative course of action
- Provide the client, their family and carers with final written and verbal communication, including investigation findings
- Communicate the details of the adverse event, and outcomes of the open disclosure process, to other relevant clinicians
- Complete the evaluation surveys

7. Maintaining documentation

- Keep the client record up to date
- Maintain a record of the open disclosure process
- File documents relating to the open disclosure process in the client record
- Provide the client with documentation throughout the process

(Australian Commission on Safety and Quality in Health Care (2013), Australian Open Disclosure Framework. ACSQHC, Sydney.)