

GENERAL PRINCIPLES AND REQUIREMENTS FOR OPEN DISCLOSURE

The mandatory requirements for health services for the implementation of open disclosure, outlined in the NSW Health Open Disclosure Policy, are derived from principles which guide effective open disclosure practice, as outlined in the *Australian Open Disclosure Framework*¹.

1. **Acknowledgement of a patient safety incident to the patient and/or their support person(s)**, as soon as possible after the incident has occurred and any immediate action needed to support the patient's care has been taken, generally within 24 hours. This includes recognising the significance of the incident to the patient, even if there has been no or minimal clinical impact arising from the incident.
2. **Truthful, clear and timely communications** on an ongoing basis as long as required to appropriately support the patient and their support person(s) and health care staff involved in the patient safety incident. This involves (a) providing information to the patient and their support person(s), (b) providing an opportunity for the patient and their support person(s) to recount their experiences, concerns and feelings, and (c) listening and responding appropriately to the patient and their support person(s).
3. **Providing an apology to the patient and/or their support person(s)** – as early as possible, including using the words "I am sorry" or "we are sorry".

Communications that go part way towards meeting the essential elements of an apology and which may be appropriate in some circumstances – for example, at clinician disclosure before the incident investigation process has been completed and where all relevant facts are not known yet – include one of the following²:

- expressions of sympathy or empathy, for example "I'm sorry this happened to you"
 - expressions of sorrow – for example, "I'm very sorry for what has happened"
 - expressions of regret for the act or its outcome, for example "I regret that this happened"
4. **Providing ongoing care and support to patients and/or their support person(s)** which respects and is responsive to their needs and expectations, for as long as is required, so that they:
 - are fully informed of the facts surrounding a patient safety incident and its consequences
 - are treated with empathy, respect and consideration
 - are supported in a manner appropriate to their needs
 - receive appropriate treatment, including if the patient and/or their support person(s) request that the patient's health care needs are taken over by another health care team where feasible.
 5. **Providing support to health care staff** when they have been involved in a patient safety incident which respects and is responsive to their needs and expectations, in an environment in which all staff are:
 - encouraged and able to recognise and report patient safety incidents
 - prepared through training and education to participate in open disclosure
 6. **An integrated approach to improving patient safety**, in which open disclosure is linked with clinical and corporate governance, incident reporting, risk management and quality improvement policies and processes. This includes evaluation of the process by patients and their support person(s) and staff, accountability for learning from patient safety incidents and evidence of systems improvement.
 7. **Multidisciplinary involvement in open disclosure** reflecting that health care is provided by multidisciplinary teams.
 8. **Compliance with legal and ethical requirements for privacy and confidentiality** for the patient and/or their support person(s), and health care facility staff.

¹ Australian Commission on Safety and Quality in Health Care (ACSQHC) Australian Open Disclosure Framework, Sydney, 2013

² NSW Ombudsman *Apologies – A practical guide* 2nd edition, Sydney, 2009