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## Open Disclosure Policy

### What is open disclosure?

Open disclosure is the process of open communication with a patient, and or their family/support person, following an adverse or unexpected event that may or may not result in harm to the patient.

### The open disclosure process

The Open Disclosure Process will commence after the detection of a clinical incident by:

- A member of staff at the time of the incident.
- The attending VMO
- When an unexpected outcome is first detected sometime after the incident.
- A patient who expresses concern or dissatisfaction with their health care either at the time of the incident or at some time after the incident.
- An incident discovered at audit, such as clinical audit or medical records review.

After identifying a clinical incident has occurred, the members of the clinical team must ensure that steps are taken immediately to prevent or reduce the occurrence of further suffering and harm to the patient. After any such steps have been initiated, the following measures will be implemented by the hospital:

1. Report the clinical incident to a relevant authority, in accordance with Department of Health policy and Safer Care Victoria.
2. Notify the patient of the clinical incident and the known facts up to that point in time.
3. Undertake an investigation of the clinical incident.
4. Provide feedback to the patient.
5. Develop an agreed plan for the ongoing care of the patient.

### Investigation of a clinical incident

A clinical incident may signal a serious breakdown in health care systems and require thorough investigation and response. Any clinical incidents identified by Direct Endoscopy must be appropriately investigated to determine what happened and, where possible, to reduce the risk of a similar clinical incident happening again. Members of the clinical team are required to participate in any investigation that may arise from a clinical incident.

### Undertaking the investigation process under legal privilege

If an investigation into a clinical incident is carried out at the request of Direct Endoscopy legal advisers, the communications generated during the investigation, including the investigation report, may be subject to legal professional privilege. If a document or record is subject to legal professional privilege, that document or record is protected from disclosure unless legal professional privilege is waived.

### Staff Education and Competency – Open Disclosure

Staff have regular education and competency assessment in open disclosure management.

**Open disclosure** is defined in the Australian Open Disclosure Framework as: “an open discussion or series of discussions with a patient and/or their support person(s) about a patient safety incident which could have resulted, or did result in harm to that patient while they were receiving health care.”

Refer to:

<https://www2.health.vic.gov.au/hospitals-and-health-services/quality-safety-service/clinical-risk-management/open-disclosure/open-disclosure-framework>

Pathway Algorithm for Open Disclosure Process at Direct Endoscopy facilities

