



# Open Disclosure for Consumers

- Explanatory Guide
- Frequently Asked Questions

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The information in this document has been adapted from the following sources:

[Australian Open Disclosure Framework](#) developed by the Australian Commission on Safety and Quality in Health Care (ACSQHC) for use exclusively in Australia. Sydney: ACSQHC 2013

[Open Disclosure, A guide for patients/consumers beginning an open disclosure process](#), SA Health Safety and Quality Unit, 2016

[Open Disclosure: Framework and guidance](#), Aged Care Quality and Safety Commission 2019

## About this guide

This guide has been prepared to help you when an incident resulting in harm has occurred. It will also be useful if this has happened to a relative, friend or someone you care for is a client at Helping Hand.

## Introduction

### What is an incident?<sup>1</sup>

**An incident** is defined as an event or circumstance that resulted, or could have resulted, in unintended or unnecessary harm, loss or damage to a person.

**A near miss** is an incident or potential incident that was averted and did not cause harm but had the potential to do so.

**Harm** “Harm may be physical, psychological or social resulting in loss of quality of life, impairment, suffering, injury, disability or death.”<sup>2</sup>

### What is open disclosure?

Open disclosure is an open discussion with you as consumer and/or your nominated representative about an incident which caused harm to you during care.

If you have been harmed while receiving our services, a senior Helping Hand representative will talk to you and/or your representative about it.

By using open disclosure, we can:

- improve consumer safety through improved understanding of how things go wrong
- contribute to learning from what caused things to go wrong and to prevent them in the future
- reinforce trust between you and your care staff
- assist you to become more active in your care.

Helping Hand encourages consumers and/or their representative to identify and report when things go wrong or when harm occurs during care so that we can improve our service to you. Helping Hand requires its staff to report all incidents including near miss events.

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<sup>1</sup> Australian Commission on Safety and Quality in Health Care, *National Safety and Quality Health Service Standards, 2nd ed.* Sydney: ACSQHC; 2017.

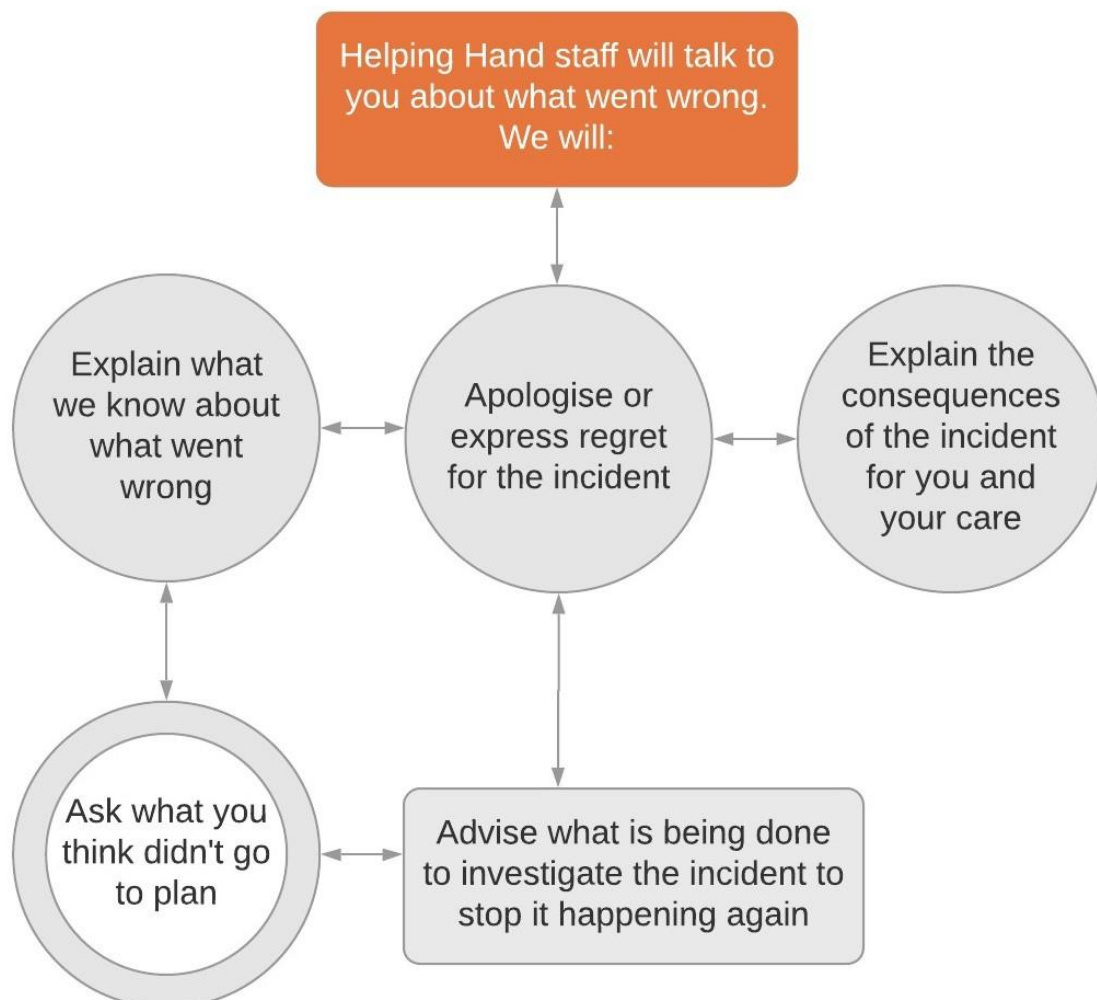
<sup>2</sup> ACQSC [Open disclosure: Framework and guidance](#)

## Does open disclosure affect your existing rights?

Open disclosure does not affect your rights in any way. You may still request to discuss any concerns with the most senior manager involved in your care or a member of the Executive team. There are also other avenues open to you including but not limited to advocacy services like the Aged Rights Advocacy Service and the Aged Care Quality and Safety Commission.

More information is available at: <https://www.agedcarequality.gov.au/>

## Open disclosure in Helping Hand



## The Helping Hand open disclosure process

Helping Hand has a two-stage open disclosure process:

<b>STAGE 1:</b>	An initial discussion between the client and/or their representative and a designated responsible clinician. The open disclosure process may end here if both parties agree.
<b>STAGE 2:</b>	A formal disclosure meeting if the client and/or their representative <u>is not</u> satisfied with the initial discussion.

### 1. What can you expect in the initial open disclosure discussion (Stage 1)?<sup>i</sup>

The purpose of this discussion is to inform and support you and/or your representative and to offer an apology for what has happened. It involves:

- meeting with you and/or your representative as soon as possible after the incident (generally within 24 hours of the incident) and at a time that suits you
- acknowledging that an incident has occurred
- explaining all known facts relevant to the incident providing context for the apology
- apologising for the incident having happened
- actively seeking your input and feedback by listening to you and/or your representative
- consulting with you and/or your representative on a plan for ongoing care if required, including the possible need for formal disclosure
- providing the contact details of a staff member who has knowledge of the incident and who is able to address concerns and complaints including psychological and social support contacts.

Sometimes the best person to notice if harm has occurred is you. **If you think harm has occurred** and no one has spoken to you, please talk to any member of our staff with whom you feel comfortable. Or, if you would prefer, ask your advocate, family or representative to speak with our staff.

**The open disclosure process ends here** if your concerns have been satisfactorily addressed. If not, you may wish to initiate the formal disclosure process (Stage 2).

### 2. What is a formal disclosure discussion (Stage 2)?

Formal disclosure follows on from initial open disclosure discussion you have had with our staff member. You may wish to initiate the formal process for any type of consumer incident whether or not it has caused serious harm.

If Helping Hand considers that a formal process is warranted but you or your representative do not wish to proceed then the formal open disclosure process will not proceed.

Formal disclosure should begin as soon as practicable even if the investigation process has not yet been completed and the information available is limited.

If the suggested time does not suit you, tell the person arranging the meeting so they can arrange a more convenient time. If you are feeling too unwell or do not want to talk, you can ask for the meeting to take place when you are ready.

### 3. What do you need to prepare for the meeting?

Before the meeting, you may want to:

- prepare questions to ask
- decide who you would like to bring to the meeting to support you
- think about how you might like to let staff know how you feel about the incident.

### 4. What can you expect in the formal disclosure discussion (Stage 2)?

At the start of the meeting, Helping Hand staff will introduce themselves by name and role, explain what they can do and why they are at the meeting. The staff will then:

- acknowledge the incident and the way you have been affected by it
- offer a sincere apology for the harm that has occurred, including using the words 'I am sorry' or 'We are sorry'
- explain the formal disclosure process
- provide the known facts about the incident and the consequences (short and long term) affecting you and acknowledge what is currently not known
- state any restrictions, if relevant, on the information Helping Hand is able to provide for reasons of non-disclosure
- specify what the open disclosure process does not cover
- explain the process of investigation including an invitation to you and/or your representative to contribute ideas on what happened
- explain that new information may emerge as the investigation continues
- keep you and/or your representative up-to-date with the progress of the investigation
- provide anticipated timelines for completion of the investigation
- listen to and answer your questions
- ask if you need any other support and explain how they can help to arrange any support you do need.

You can end the meeting at any time.

### 5. Investigating what happened

It can sometimes take weeks or months to investigate an incident and so at the first formal meeting not all the facts might be known.

We will give you the contact details of the staff member who will be keeping you informed about the investigation process and who you may wish to contact about that process.

## 6. How will Helping Hand investigate what happened?

Helping Hand uses many different methods to investigate what happened. For serious incidents, however, we use a specified, structured and comprehensive process to analyse the root cause. In such instances, we may assemble a small team to investigate the incident.

You will be kept informed of the progress of the investigation and the recommendations arising from it.

## 7. What if you have ideas about what happened?

If you have ideas you or your representative would like to share with the investigating team, you should get in touch with your main contact person. Anything you say about what you think went wrong and your experiences will assist the investigation.

## 8. When do you get the results of the investigation?

Once the incident has been investigated, we will advise you of the recommendations.

If you wish, we can arrange a second meeting to give you the results of the investigation and tell you what we are doing to try and help prevent the incident happening again.

## 9. What if the information cannot be freely discussed?

Each state and territory has laws about how the information discovered during incident investigation can be used. The laws may mean that, under certain conditions, the information created during the incident investigation (like reports or notes from interviews) cannot be released (even during a court case or to the coroner). Such details are part of the investigation and may remain confidential to the investigating team.

The reason behind these laws is to encourage service providers and clinicians to talk honestly and openly about problems and failures. This makes sure that the things that go wrong can be fully investigated, to make the system safer for everyone. For example, Helping Hand staff are required to enter all client incidents into our risk management system. This ensures that any lesson learnt will be applied across the organisation.

## 10. Further meetings

Open disclosure may require more than one meeting. For example, there may be a lot of information for you to process at the first meeting. You may also feel emotionally stressed during the first meeting. Follow-up meetings may be arranged to:

- answer any further questions you may have
- inform you of how the investigation is progressing
- provide any other support or information to you as required.

How do I find out more about open disclosure?

You can find more information about open disclosure from:

**Aged Care Quality and Safety Commission**

[safetyandquality.gov.au/our-work/open-disclosure/](https://safetyandquality.gov.au/our-work/open-disclosure/)

**Australian Commission on Safety and Quality in Health Care**

[safetyandquality.gov.au/our-work/clinical-governance/open-disclosure](https://safetyandquality.gov.au/our-work/clinical-governance/open-disclosure)

**SA Health**

[sahealth.sa.gov.au](https://sahealth.sa.gov.au)

[Open Disclosure Tool 5. A guide for patients and consumers beginning an open disclosure process](#)

**Helping Hand**

[helpinghand.org.au/](https://helpinghand.org.au/)

How to make a complaint

In the first instance, you can make a complaint to us at Helping Hand:

- via the Helping Hand website by completing the [online form](#) ([helpinghand.org.au/about-us/feedback](https://helpinghand.org.au/about-us/feedback)), sending an email or downloading and completing the Consumer Feedback Brochure
- by picking up a Consumer Feedback Brochure from any of our sites and services
- by phoning us on **1300 653 600**
- by speaking directly with one of our staff about your concern
- by writing to us
- by email to our quality and safety unit: [qualityunit@helpinghand.org.au](mailto:qualityunit@helpinghand.org.au)

If you wish to make a further complaint, you can contact the Australian Government Aged Care Quality and Safety Commission.

**Telephone:** 1800 951 822

**Website:** [www.agedcarequality.gov.au/](https://www.agedcarequality.gov.au/)

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