

Safety and Quality

TOOL 11

Open Disclosure

Staff considerations



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Staff considerations

Clinicians (and the non-clinical workforce) may be affected by being involved in an incident, and may require emotional support and advice in the aftermath of the incident.

It should be noted that clinicians and staff who were involved in an incident can benefit from participating in open disclosure, including an expression of regret where appropriate.

The staff involved in the open disclosure process should be provided with access to assistance and support, and with information they need to fulfil the role required of them.

To support staff, health service organisations should endeavour to ensure the following:

Key staff considerations:

- > provide advice and training on management of incidents, communication skills, and the need for practical, social and psychological support
- > promote an environment that fosters peer support and discourages the attribution of blame
- > make certain the clinicians are not discriminated against because of their involvement in an incident or open disclosure
- > ensure that patients / consumers, their family, carers and / or support person are aware that personal information about clinicians are not discriminated against because of their involvement in an incident or open disclosure
- > have formal support processes and provide facilities for formal or informal debriefing for those involved in an incident, where appropriate, as part of the support system; this should be separate from the requirement to provide statements for the purposes of investigation
- > provide information on the support systems that are currently available for clinicians who are distressed by an incident (eg Doctors' Health Advisory Service, medical defence organisations, professional and collegiate associations and trade unions, health service counsellors, employee assistance scheme, referral to specialised mental health care where appropriate) and encourage timely consultation with these organisations and advisers
- > provide information to clinicians on incident investigation and its outcomes
- > develop specific and locally tailored support mechanisms and systems in their own institutions or in collaboration with neighbouring facilities.

Staff rights and responsibilities

Staff (especially the clinical workforce) have the following responsibilities:

- > acknowledging their role in incidents and conveying an expression of regret
- > participating in open disclosure training and education as required
- > participating in open disclosure processes as required
- > supporting their colleagues following an incident, and refrain from blame and potentially defamatory actions. This needs to be balanced with ethical behaviour and principles of transparency and openness.
- > open disclosure should be an inter professional process, and participants will vary depending on circumstances.

Clinicians involved in incidents should be given the option to participate in the disclosure. The stage at which it occurs will depend on a range of factors including circumstances surrounding the incident, the experience of the clinician, and their confidence and preparedness for open disclosure.

Clinicians should be provided with the appropriate support and preparation to participate in open disclosure. However there will be circumstances where staff may identify that they do not feel prepared to participate, and these should be acknowledged and respected.

Health service organisations have a duty to recognise and protect staff from potential situations that may cause additional conflict and harm.

Use of a substitute clinician to lead open disclosure

When it is not possible for the most senior clinical responsible for the clinical care of the patient to be present, an appropriate senior person who is trained in open disclosure processes (an Open Disclosure Facilitator) should lead the disclosure. This will assist effective communication with the patient/consumer, their family, carer and/or support person without jeopardising the rights of clinicians or their relationship with the patient.

Assistance with initial open disclosure discussion

The person leading the open disclosure should be able to nominate someone to assist them with the open disclosure interview. It is recommended that, where possible, this someone with experience or training in disclosure.

Independent facilitators

In situations where there is difficulty conducting open disclosure or finding an agreeable outcome, an independent facilitator may be arranged to help the discussions.

Legal counsel

Open disclosure is not a legal process. While legal advice may be sought throughout an open disclosure process, generally legal counsel should not directly participate in open disclosure discussions.

Junior clinicians

Junior clinicians, or those in training, may benefit from observing and participating in open disclosure. These individuals should not carry out the open disclosure except where all the conditions below are met:

- > the incident is minor
- > the senior clinician responsible for care of the patient is present for support
- > the patient/consumer, their family, carer and/or support person agrees
- > the junior clinician has received adequate training to undertake the disclosure
- > the junior clinician is willing to participate in the process.

Staff evaluation of the open disclosure process

Staff involved in open disclosure should also provide feedback through a standardised survey where possible. Ideally patient and staff feedback should be completed within four (4) weeks of the end of the open disclosure process. However, sensitivity is required depending on the circumstances.

Further information is available in Tool 16 Staff evaluation survey.

Survey results should be reported to the organisation's management at regular intervals, along with internal open disclosure measures.

For more information

SA Health
Safety and Quality Unit
Telephone: 08 8226 6539
www.sahealth.sa.gov.au/safetyandquality

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